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## WHY BOUNDARIES MATTER IN BUSINESS

It's said that good fences  
make good neighbours.  
Well, the same applies to  
business boundaries.

**JAN YUHAS AND JILLIAN YUHAS**

Relationship Capital and Conflict  
Resolution Strategists, and  
International Best-Selling authors



# 7 Healthy Work Habits



## 1 STRETCH

Reduce muscle tension by frequently stretching throughout the day.



## 2 DRINK WATER



Increase energy and relieve fatigue by drinking 8 glasses a day.

## 3 STAND DURING CALLS

Maintain blood sugar levels and reduce back pain by standing when you can.



## 4 EAT A HEALTHY LUNCH



Increase your stamina throughout the workday by eating healthily!

## 5 TAKE QUICK BREAKS

Re-charge by taking quick breaks throughout the day.



## 6 COLLABORATE



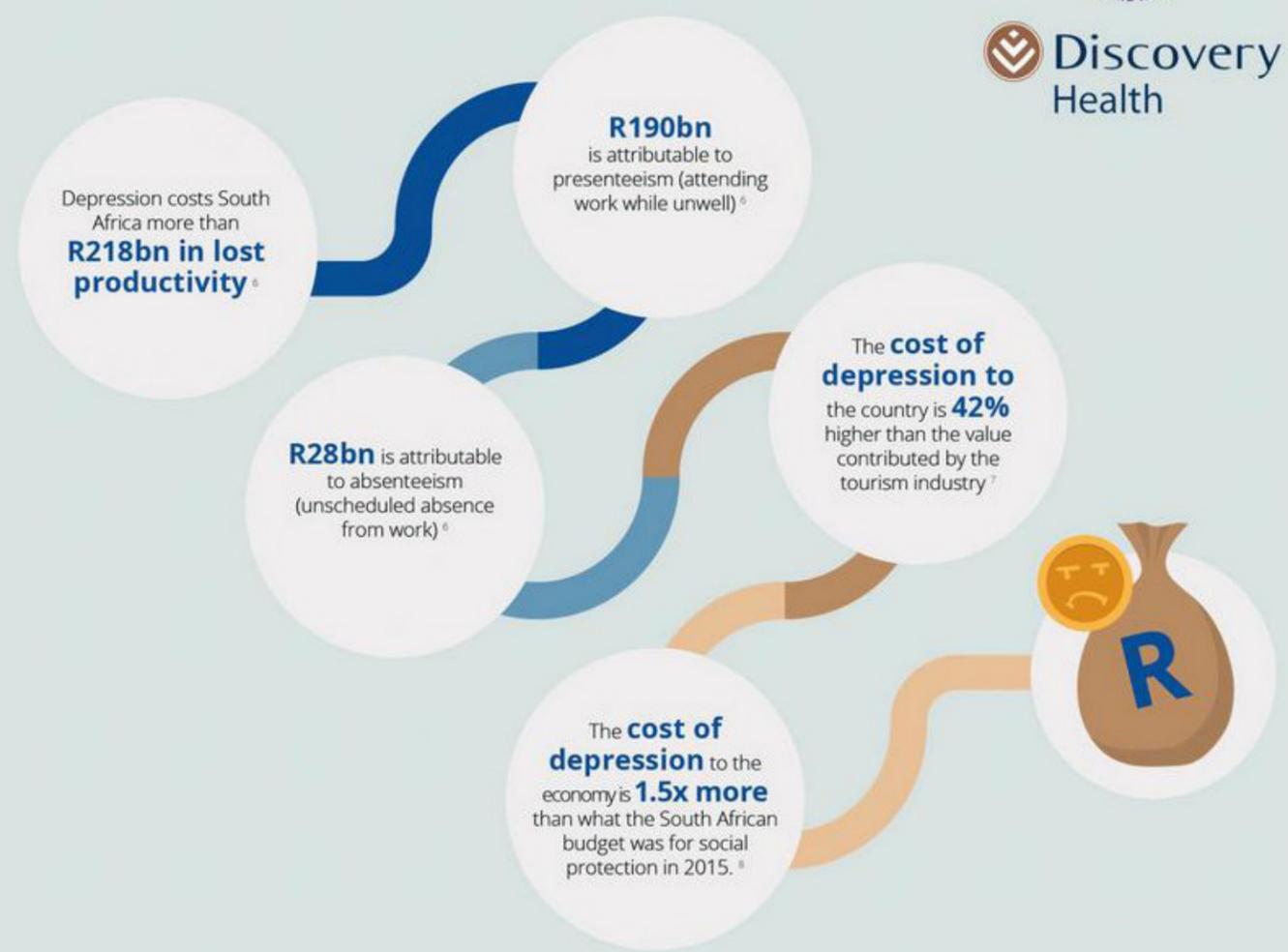
Build a spirit of camaraderie within your team with collaboration.

## 7 UNPLUG

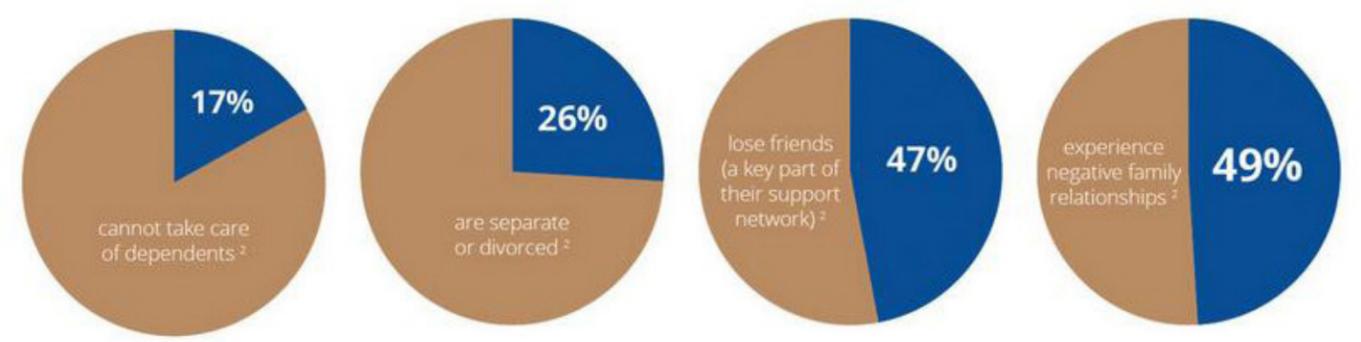
Taking time off helps maintain a healthy and fulfilling work/life balance!



# Depression has a serious impact on the South African Economy



# The social impact of mental illness on patients in South Africa is concerning



<sup>1</sup>(Tomlinson M - 2009)  
<sup>2</sup>(SADAG - 2016)  
<sup>3</sup>(EWN - 2017)  
<sup>4</sup>(Rumble S et al - 1994, 1996 ).

<sup>5</sup>(Gillis LS et al - 1991, 1999)  
<sup>6</sup>(IDEA Global Survey - 2013-2015)  
<sup>7</sup>(www.southafrica.info/business/economy/sectors/tourism - 2016)  
<sup>8</sup>(Budget 2015: People's Guide 2016)

# Maintain clear BOUNDARIES

**W**e live in a world that is increasingly encouraging people to ignore boundaries. As a result, young and old are living life with no regard to physical, moral and ethical boundaries, among others. People caught red handed engaging in criminal activities are heard to protest loudly that they've "done nothing wrong"!

This has led to generations of people entering the workplace who are not prepared to take responsibility for their actions nor bear the consequences of their actions. When this happens, productivity slips, brand damage occurs, relationships are damaged and stress levels spike through the roof. Boundaries therefore create a sense of order, of security and sustainability, enabling people to work together towards a common goal.

So, boundaries are immensely important for a functioning society and a prosperous business world.

Imagine a world in which "anything goes", in which the strongest and the greediest can simply take what they want and get away with it, suffering no consequences. That's the ultimate destination for society if we pursue that path.

Setting boundaries is therefore essential for maintaining professional integrity, ensuring work-life balance and promoting healthy workplace relationships. Without clear boundaries, professionals may experience burnout, blurred responsibilities and conflicts that can harm productivity and workplace morale.

Businesses thrive on trust, and setting ethical boundaries ensures that people do the right thing in their business activities, and sensitive information remains confidential. That's why it's important to have clear policies on data privacy, non-disclosure agreements and professional conduct to prevent legal and reputational risks.

Boundaries in the business world are therefore crucial for sustaining a productive, ethical, and respectful work environment. By defining and enforcing clear boundaries, professionals can achieve better work-life balance, enhance productivity, and cultivate healthier workplace dynamics. Ultimately, setting boundaries is not about restriction—it's about creating a framework for success and mutual respect.



If stress levels in your company are through the roof, if there's a toxic culture where people don't trust one another and backstabbing is a national sport, take a closer look at the boundaries you do or don't have in place in your company. If you recognise a need to put in place clear boundaries, get to work on it! It won't be easy, it's not a quick fix but it is so worth it. A good place to start is with your company's policies.

Our Cover Story on page eight by Jan and Jillian Yuhas from Dallas, Texas, US, tells you more about why boundaries matter in business. ■



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# Why **BOUNDARIES** matter in business

It's said that good fences make good neighbours. Well, the same applies to business boundaries.



FROM THE US

BY JAN YUHAS

Relationship Capital and Conflict Resolution Strategists, and International Best-Selling authors



FROM THE US

BY JILLIAN YUHAS

Relationship Capital and Conflict Resolution Strategists, and International Best-Selling authors

In the competitive world of business, success is often attributed to a combination of factors like innovative ideas, effective communication and strong leadership. However, one crucial element that underlies all these factors is the establishment of strong boundaries. Business boundaries are powerful for creating a structured environment where everyone knows their roles, responsibilities, and limitations.

They serve as the valuable framework that guides behavior, decision-making, and interactions within an organization to maintain workplace wellness. Without boundaries, businesses risk higher turnover rates, greater internal conflicts, and a lack of productivity, all of which can significantly hinder success.

Throughout this article, we'll explore business boundaries that matter:

## **COMMUNICATION BOUNDARIES**

Communication is the foundation of any successful business. It opens up communication channels amongst team members where they exchange innovative ideas, collaborate on organizational goals, and cultivate cohesion. However, communication can quickly become a source of stress and confusion, if boundaries are not clearly communicated or mutually agreed upon. Communication boundaries are essential to ensure that messages are delivered and received effectively, without burdening or creating greater disconnects among colleagues.

For instance, setting response times for emails, instant messages, and phone calls during business hours helps prevent the constant pressure to be available 24/7. It also reduces the likelihood of emotionally charged reactions or disengagement, where employees can better

## **BUSINESS**

manage their work tasks and not feel expected to respond to non-urgent communications.

Additionally, communication boundaries encourage mutual respect, transparency, and trust, giving team members a safe zone to express their thoughts and concerns without backlash. Also, team members with strong communication boundaries are better equipped to manage external communications with customers effectively, leading to healthier work environments and business relationships where collaboration thrives and misunderstandings are minimized.

## **FINANCIAL BOUNDARIES**

Establishing financial budgets is essential for ensuring the fiscal stability of a business. These boundaries help ensure that resources are allocated appropriately, expenses are managed accordingly, and financial risks are minimized across departments. Without firm financial

projects, defining clear processes for approved expenditures, and establishing guidelines for financial reporting and reimbursements. By adhering to these monetary boundaries, businesses can maintain a healthy cash flow, avoid unnecessary debt, and ensure that they are investing in areas that will yield the highest returns and long-term growth for the business.

## **PROFESSIONAL BOUNDARIES**

Professional boundaries are key for maintaining a respectful, productive, and harmonious work environment. These boundaries cover various aspects of workplace behavior, including keeping a professional demeanor in meetings, adhering to attendance policies, dressing appropriately, setting performance goals, and following guidelines for professional conduct.

A crucial element of professional boundaries is addressing power imbalances within the



boundaries, businesses can easily fall into the trap of overspending, misallocating funds, or engaging in financially risky behaviors that jeopardize their long-term revenue goals.

Financial boundaries include setting spending parameters for different departments or

workplace. Power dynamics can significantly impact how boundaries are established, respected, or violated. For example, employees may feel pressured to overextend themselves or comply with unreasonable demands if there is a perceived or actual power imbalance between them and their supervisors or higher-

level executives. This can lead to exploitation, burnout, and a toxic work environment.

To mitigate the effects of power imbalances, it's important for organizations to establish proper guidelines that ensure all employees, regardless of their position, are treated with respect and fairness. This includes setting boundaries that protect employees from being asked to perform tasks outside their roles without proper recognition or compensation, and ensuring that feedback is given in a constructive and non-threatening manner.

Professional boundaries also address the nature of workplace relationships, such as avoiding favoritism or overly friendly relationships that could lead to conflicts of interest or undermine business integrity. By clarifying these boundaries, businesses cultivate a positive workplace culture where employees and executives understand their roles and responsibilities, reducing the need for constant conflict resolution. This not only helps protect the company from potential legal issues but also encourages respect, accountability, and professionalism throughout the organization.

### TIME BOUNDARIES

Setting time boundaries is essential for cultivating a work environment where focus and efficiency can flourish. These boundaries act as supportive frameworks, guiding employees to prioritize the most impactful tasks, which in turn drives progress and enhances the quality of outcomes. Without such boundaries, businesses risk falling into cycles of unproductivity, where time is misused in lengthy meetings, attention is diverted to unimportant tasks, and responsibilities are poorly managed.

By reducing workplace interruptions and distractions, time boundaries create the necessary space for focused, productive work. When employees have a well-defined sense of priorities, they can channel their efforts toward goals that propel the company's mission and growth. This not only boosts individual

performance but also aligns the entire team's efforts with the organization's overarching vision.

### INTELLECTUAL BOUNDARIES

Intellectual boundaries in the workplace are crucial for cultivating an environment where ideas, thoughts, opinions, and contributions are respected and valued. These boundaries help create a culture of intellectual integrity, where the ownership of ideas is recognized both individually and collectively, distinctly defined, and consistently upheld.

In a collaborative work environment, it's essential that everyone feels safe to share their perspectives without fear of being dismissed, criticized, or having their ideas utilized without proper acknowledgment. This requires establishing mutual agreements on how ideas are shared, credited, and developed within teams to maintain respect for all parties. Ultimately, it's not about winning, being right, or saying one perspective is better than the other. Instead, it's about expanding knowledge, finding a way to understand each other better through active listening, and gaining perspective through another lens.

When opposing outlooks arise, intellectual boundaries allow for respectful conflict and constructive discussions. Understanding that diverse angles are welcome—and that disagreements are not personal disputes—creates an openness where ideas can be explored and discussed. When employees respect each other's intellectual viewpoints, they are more likely to engage in open, honest conversations that drive innovation and problem-solving. Thus, intellectual boundaries not only protect individual contributions but also enhance collaborative efforts, leading to more effective decision-making and a stronger, more dynamic organization.

### DIGITAL BOUNDARIES

Digital boundaries are more important than ever as businesses utilize technology to fulfill their objectives and stride toward goals. These



boundaries govern how technology is used in the workplace, including the use of artificial intelligence, passwords, email, messaging platforms, client management systems, computers, and other digital tools. Digital boundaries help protect the company's and customers' privacy data, maintain productivity, and ensure employees use technology responsibly and ethically.

Digital boundaries may be outlined in the company policies for appropriate online behavior, limits on personal device use during work hours, and policies for protecting sensitive information from external cyber threats. In modern times where remote or hybrid work is becoming increasingly common, digital boundaries also play a critical role in maintaining work-life balance. By setting healthy boundaries for post-business-hours communication, businesses can help employees disconnect and recharge, ultimately leading to higher levels of productivity and job satisfaction.

### CONCLUSION

Boundaries are more than limits; they create a framework for transparent, efficient, and

productive business operations. Clear communication, financial, professional, time, intellectual, and digital boundaries are crucial for a thriving workplace environment. When mutually respected and valued, they boost productivity, strengthen relationship capital, and cultivate a positive company culture. As work and personal life increasingly blur, especially with remote work, boundaries provide the structure needed to align everyone with the company's goals and values. Ultimately, they are the foundation of successful businesses. ■

**JAN YUHAS, M.A., MFT** and **JILLIAN YUHAS, M.A., MFT** are Relationship Capital and Conflict Resolution Strategists, and International Best-Selling authors of *Boundary Badass: A Powerful Method For Elevating Your Value and Relationships*. Jan and Jillian have coached highly ambitious entrepreneurs and businesses for over a decade on building stronger partnerships, applying business psychology, resolving conflict, negotiating agreements and setting both personal and professional boundaries. For more, visit them at [twentyeightconsultancy.com](http://twentyeightconsultancy.com).

# HR Professionals NEED MARKETING SKILLS

Celia Flieshaker explains to Alan Hosking why it's so necessary for HR professionals to acquire marketing skills.



FROM THE US

## PROFILE

Celia Fleischaker is the Chief Marketing Officer at Isolved, based in New York, US.

## WHAT ARE THE KEY SIMILARITIES BETWEEN MARKETING AND HR TEAMS, AND WHAT ARE THE BENEFITS OF CROSS-DEPARTMENTAL COLLABORATION?

Marketing and HR teams have very similar responsibilities in that they amplify and promote an organization's values and key messages – they need to listen to their audiences, understand their wants and needs, and find ways to meet those needs. The difference is that marketing teams spread that message to external stakeholders, while HR teams focus on internal audiences. For marketing, that might mean highlighting a specific product feature, and for HR leaders, it could mean sharing more details around a

new benefit offering. They both craft messages intended to build company loyalty, and their work is a key driver of organizational success.

A lot of positive outcomes come when marketing and HR teams collaborate. Marketing teams can help HR convey brand-aligned messages that strengthen the employee-employer relationship, thereby decreasing burnout and increasing productivity. Happy employees are often an organization's best asset, acting as organizational promoters that promote positive brand perception – which is beneficial for both marketing teams and HR teams.

## HOW CAN ADOPTING A MARKETING MENTALITY HELP HR TEAMS ADDRESS WIDESPREAD EMPLOYEE BURNOUT?

Burnout has dominated the headlines in recent years, and in 2024, HR professionals worked hard to recognize, understand, and support employees who were feeling detached. But, burnout levels have actually increased 14% from 2023 to 2024, and it affects 8/10 employees. It's very clear that previous tactics have not been successful, so it's time for HR teams to think beyond traditional strategies and consider leveraging marketing tactics to improve the employee experience. When HR teams understand these skills and how to deploy them, they can reshape employee experiences to foster a deeper sense of connection between the employer and employee and enhance workplace satisfaction.

## WHAT ARE THE MARKETING SKILLS THAT HR TEAMS NEED TO MASTER TO IMPROVE EX?

To improve employee experience, HR teams should learn and master audience segmentation, storytelling, data-driven decision making, and journey mapping.

Audience segmentation is a way for marketers to address unique groups of people in a personalized way that speaks to what they care about the most. For HR teams, this means developing employee personas (based on job role, demographic location, preferences, etc.) to create targeted internal communications.

This is especially important in the workplace, as different generations face different struggles. For example, 71% of Baby Boomers report burnout while 87% of Gen Z report the same. In the same token, each generation values something different (Millennials value bonuses while Baby Boomers value internal recognition), so one-size-fits-all engagement strategies are ineffective. By adopting audience segmentation capabilities, HR teams can deliver personalized messages and strategies that better support and address unique issues for unique employees.

Marketers are storytellers, first and foremost, and this is a valuable skill that HR teams can leverage to better connect employees to their organizations. When HR teams can convey an organization's values and mission to its employees, it's easier to feel engaged at work and feel connected to their organization's purpose. 87% of employees say it's important that their organization's values align with their own, so when HR teams can leverage storytelling capabilities to show those values in action, they have a greater chance of engaging employees.

Making data-driven decisions is a primary tool for marketers to determine when messages are successful and, more importantly, how to pivot when they're falling short. 91% of HR professionals say they have the data they need to make data-driven decisions, and with AI tools becoming widely available for people leaders, it's easier than ever for HR teams to spot trends, identify pivots, and craft targeted messaging. They can leverage internal data from engagement surveys or recognition platforms to determine what's working and identify areas to refine internal communication strategies.

Lastly, marketers often use customer journey maps to optimize the experience at every touchpoint. HR teams can adopt a similar approach throughout the employee journey to identify areas of improvement. For example, an organization might find high turnover among employees who have been promoted within the last 6 months. This signals that HR teams need to hone in on that time in the employee journey to provide additional support, whether that's mentoring, training, or increased recognition. They should create employee roadmaps to proactively provide support and ensure all touchpoints contribute to a positive employee experience.

## WHY SHOULD HR VIEW EMPLOYEES AS CLIENTS OR PROSPECTS, AND HOW DOES THAT MINDSET IMPROVE THE EMPLOYEE EXPERIENCE?

72% of employees say they are considering

a job change in the next year, and with labor shortages facing many industries, HR teams must anticipate turnover and work to mitigate it. One way to do so is by viewing existing employees as clients or prospects. In the same way a marketer is always trying to put their best work forward to retain clients and recruit new ones, people leaders must take the same approach with talent. They should be consistently looking for ways to improve the employee experience, which can mean more learning and development opportunities, mentoring sessions, greater flexibility, or more diverse benefits. This mindset demonstrates to employees that they are valued and their contributions are meaningful to the organization's success. It's a very powerful retention tool that will help continuously improve employee experiences and minimize organizational churn.

## HOW CAN HR INTEGRATE THESE MARKETING SKILLS THROUGHOUT THE EMPLOYEE LIFECYCLE, AND HOW CAN THIS IMPACT BOTH RETENTION AND BRAND REPUTATION?

Mapping the employee journey is crucial to an organization's success. There are many times during the employee lifecycle, like job transitions, where the employee experience can falter, and this is when marketing skills can be deployed to avoid attrition.

The onboarding experience is a great example of a critical touchpoint in the employee journey that can make or break engagement, but HR teams should also consider other times of transitions, like promotions or mergers. Research shows that when employees experience above-average job transitions (where they feel supported and appreciated), they are 251% more likely to stay at the organization for another two years. Conversely, when they have a below-average transition, they are 44% less likely to stay. To create experiences that fall into the former category, HR teams can use marketing skills like data-driven decision making to gauge employee sentiment or storytelling to help ensure employees feel tied to their organization's purpose during times of transition.

Ensuring that there is ample support and intervention throughout the employee lifecycle will help with retention but will also build a strong company culture and brand. Employees are an endorsement of their organization, and their sentiments toward the culture can have very real impacts on business health and reputation. People-centred organizations will create organizational promoters, thereby improving brand reputation. ■

# WOMEN bear a dual burden

Why it's key to understand the needs of the female workforce.

**W**omen in today's workforce juggle caregiving, career growth and often being the primary breadwinner, which strains their mental health.

In observance of International Women's Day in March, it's crucial to address this. Research from SADAG reveals 61% of employed South Africans would quit their jobs if they could afford to, citing stress as the main reason. This aligns to Remchannel's Salary and Wage Movements survey published in October 2024 which indicated that 46.9% of turnover was due to resignation for better career prospects and higher salaries.

The report by SADAG highlights the challenges South Africans workers face, which are compounded by rigid work arrangements and insufficient support for mental health, ultimately increasing the risk of disengagement and burnout. Today's employees need more than just a salary—they require authentic support for their well-being and a sustainable work-life balance in return for optimal performance. Employers who overlook this risk especially losing their top women talent to organisations that truly prioritise mental health and flexibility to ensure a productive workforce.

Without addressing disengagement and mental well-being, companies especially in sectors looking to attract more women, risk high costs associated with low productivity, eventual resignations and replacement recruiting effort and cost.

Beyond pay, flexibility, choice and a greater emphasis on well-being have emerged as top priorities for the modern workforce. What we're finding is that flexibility is a key motivator for talent. One of the major drivers behind resignations is employees' desire for work arrangements that support their financial wellbeing, career goals and personal lives.



FROM SOUTH AFRICA

BY LINDIWE SEBESHO

Managing Director at Remchannel

## THE SHIFTING LANDSCAPE OF WORK MODELS

The Remchannel Benefits Guide published in December 2023 revealed that 83% of companies offer hybrid or flexible work models. Some companies have, however, recently mandated across the board full-time office returns. This rigid approach is hurting morale, especially for employees who thrived on pandemic-era flexibility and whose jobs can be performed remotely.

Speaking on a panel at the Old Mutual Thought Leadership Forum in August 2024, Samad Masood from the Infosys Knowledge Institute supports this trend. "I think it's fair to say if you take responsibility for taking care of kids, you prefer flexible working. If you don't, then you don't seek it," he said.

**TODAY'S EMPLOYEES NEED MORE THAN JUST A SALARY—THEY REQUIRE AUTHENTIC SUPPORT FOR THEIR WELL-BEING AND A SUSTAINABLE WORK-LIFE BALANCE IN RETURN FOR OPTIMAL PERFORMANCE.**

But moreover, the Infosys research findings reveal that while many companies rely on remote work options to retain staff, it is the much broader integrated support for mental health, financial wellness, and career growth that truly strengthens employee engagement and loyalty.

## RELOOKING EMPLOYEE VALUE PROPOSITIONS

To bridge the gap in South Africa between employees' needs and current workplace practices, companies need to prioritise building employee value propositions around the values and priorities of their workforce, including their women talent.

To achieve this, it's essential to start by understanding what women truly need and want by asking them directly. Tools like 'stay interviews' help companies identify areas for improvement and proactively address employee concerns, helping to build a basket of pay and flexible benefits that encourage engagement, prevent burnout and reduce high turnover rates.

Flexible pay structures that allow employees to manage their remuneration in line with both short-term and long-term needs are essential for addressing financial and other root causes of stress and mental health issues. Initiatives focused on fair and competitive pay, proactive mental support, and incentivised physical health can address many issues that often lead to stress, underperformance, absenteeism, and staff turnover.

Other initiatives to improve workplace culture, such as promoting diversity and inclusion, are both cost-effective and essential for fostering a sense of belonging and human connection.

In a climate where employees are increasingly driven by well-being and adaptability, South African companies that fail to evolve risk losing top women talent to more progressive workplaces. Meeting the growing demand for personalised benefits isn't just a nicety; for companies intent on sustainable growth and resilience, it's an essential strategy.

Attracting and retaining top women talent would be your organisation's top priority.

Watch this video to see Lindiwe Sebesho, Managing Director at Remchannel, explain how employers can participate and leverage insights from the company's Salary and Wage Movement Survey to make informed salary increase decisions. Learn how to retain top talent, address critical skills gaps, and make fair, competitive pay decisions – all backed by reliable data. Plus, how these data-driven insights can help organisations plan strategically, remain competitive, and create the human-centric employee value propositions needed to retain critical skills in the workforce today.

DOWNLOAD THE FREE SALARY AND WAGE MOVEMENT SURVEY SUMMARY [HERE](#). ■

**LINDIWE SEBESHO** is the Managing Director at Remchannel.

# Will AI replace training?

Hint: Don't ditch your traditional learning methodologies just yet!

Will AI replace training? That answer is easy: "Yes"; or rather "In many cases, yes." In particular, AI acts like a personal tutor, not a classroom teacher. Skilled personal tutors are a fabulous resource for effective learning. It will be difficult for other training approaches to compete with that.

## AI AS A PERSONAL TUTOR

Let's consider two examples of how you might use AI as a personal tutor: learning Excel and learning to give a presentation.

If you want to learn Excel, you could ask an AI, "What are the five most important functions to use in Excel? Please give examples of how to use them." Or if you are just starting, you might prefer "Please recommend some free videos on getting started with Excel." Or if you have a particular problem you might ask "How do I parse a string where each field is separated by a comma or a semi-colon?"

If you want to learn to give a presentation you might ask "What are some tips for giving a presentation on employee engagement to a team of finance managers?" or "Here is my draft outline for a presentation on office safety, can you give me suggestions on how to improve? What principles should I learn so I don't make the same mistakes?"

In essence, an AI acting as a personal tutor addresses your specific issues, one at a time, as they arise. It helps you dig in deeper when you get stuck, it is infinitely patient, and it is non-judgmental. Overall, it's a great training tool.

Why traditional training still has a role  
If AI is so good, why do we still have traditional training?

Traditional training remains relevant for several key reasons:

- **TIME:** Perhaps the biggest barrier to training is lack of time. On any given day, people know they should learn new skills but already have a full calendar. Traditional training provides a mechanism for setting aside uninterrupted time for learning in a



FROM CANADA

BY DAVID CREELMAN  
CEO of Creelman Research

- conducive environment.
- **TEAM BUILDING:** Sometimes one of the objectives of a training session is team building. Even if the training is nominally on a straightforward topic such as "budgeting", one of the goals of the leader may be to have the team spend time together and get to know each other.
- **TEAM LEARNING:** There is a lot to be learned by having conversations with your peers. Traditional training can provide a venue for that.
- **SELF-DIRECTED LEARNING REQUIRES INITIATIVE:** Deciding what questions to ask an AI can be challenging. Sometimes professionals would rather have someone create a curriculum and take them through it.

## KEY TAKEAWAYS

We shouldn't dunk on AI learning because it can't do everything traditional learning does. A Mercedes sedan can't do everything a Ford pickup can, but that doesn't make the Mercedes a lousy car. We should embrace AI learning and strongly encourage people to use it. We may need to support people so they get comfortable using this new approach.



We shouldn't dunk on traditional learning just because AI training can be great. Traditional learning offers certain advantages. However, let's be sure we know why we are using traditional learning or AI learning and leverage the strengths of both. ■

**DAVID CREELMAN** is CEO of Creelman Research in Toronto, Canada. He's been focusing on helping organizations build their capability for adapting to AI.

# Mind the (PAY) GAP

How UK unicorns can thrive by closing the gender pay divide.

Despite their reputation for being progressive and innovative, many of the UK's unicorn companies are falling short when it comes to gender pay equality and diversity. A recent report by Druthers Search found that women in these high-value startups earn just 63p for every pound earned by men.

It's a surprising and disappointing reality. Unicorns – those startups valued at over \$1 billion – are often seen as disruptors, not just in technology and business models, but also in workplace culture. Yet, this data shows that even companies at the forefront of change are struggling with the same old issue of unequal pay.

The question is no longer whether this pay gap exists but how it can be addressed effectively to ensure fair treatment for all employees and to unlock the full potential of a diverse workforce.

## 64% HIGHER TURNOVER: THE COST OF THE GENDER PAY GAP

The report's findings are alarming: out of 44 unicorns studied, only one had a gender pay gap favouring women, and even then, by a mere 0.2%. This means that in most unicorn companies, women are significantly underpaid compared to their male counterparts. The consequences of this pay disparity are far-reaching, affecting not only the women employed but also the overall health and success of these companies.

High attrition rates are a direct consequence of a significant gender pay gap. Unicorns with a pay gap exceeding 20% experience a 64% higher turnover rate. The cost of replacing an employee earning over £25,000 can exceed £30,000, creating a considerable drain on resources.

By closing the gender pay gap, companies can expect to see their staff retention rates improve by a third, leading to more stable growth and reduced hiring costs.

## 48% HIGHER PROFITABILITY. THE BUSINESS CASE FOR GENDER EQUALITY

The link between gender diversity and business performance is well-established. Gender-diverse



FROM THE UK

BY KIRSTY TRAFFORD-OWEN

Co-founder of Druthers Search

teams are 48% more likely to outperform their non-diverse counterparts in terms of profitability. Yet, despite this clear advantage, unicorns in the UK still exhibit a stark imbalance in their leadership structures.

For every woman in a senior leadership position, there are 3.5 men, perpetuating a cycle where the gender pay gap remains unaddressed at the highest levels of these companies.

Sheree Atcheson, Group Senior Vice President of Diversity and Inclusion at Valtech and a leading global expert on equality, diversity, and inclusion (EDI), points out that the gender pay gap is often driven by an imbalance in leadership roles.

"Those with the highest-paid roles are typically men, and therefore the pay gap is wider because of that. Support of people into senior leadership is incredibly important: sponsorship frameworks, clear lines of accountability, succession planning, and embracing diversity in that hiring." Without active efforts to promote more women into senior positions, the gender pay gap will persist.

The gender pay gap is just one aspect of workplace inequality. When intersecting factors like ethnicity are considered, disparities can become even more pronounced. However, the lack of mandatory reporting on ethnicity pay gaps in the UK means that the full extent of these disparities remains unclear.

Currently, the UK Companies Act 2006 requires companies with 250 or more employees to publish gender pay gap data, but not ethnicity pay gap data. Comprehensive EDI reporting is crucial for understanding and addressing the full scope of inequalities within organizations.

Steps to address the gender pay gap  
Addressing the gender pay gap is not an easy task, but it is an essential one for any company striving for long-term success. Sheree Atcheson offers several actionable steps for companies looking to tackle this issue with transparency:

- **Create transparent salary bands:** Establish clear salary bands that account for varying experience levels within each band. This transparency helps ensure that pay decisions are fair and equitable across the board.
- **Address bias in pay reviews:** During salary reviews, if a gender pay gap due to bias is identified, it should be rectified immediately with a pay adjustment.
- **Provide growth plans:** If an employee needs development to reach a particular experience level within their salary band, provide them with a clear plan for growth and the necessary support to achieve it.
- **Include salaries in job adverts:** Most job adverts do not include salary information, often resulting in offers based on an individual's current salary or negotiation skills—both factors that tend to disadvantage women. Including salary ranges in job postings promotes fairness and transparency.

By taking these steps, unicorns can begin to close the gender pay gap and leverage the full benefits of a diverse workforce. Increased productivity, innovation, and profitability are just some of the advantages of a more equitable workplace.

Failing to address the gender pay gap has tangible business implications. Paige Rinke, VP People and Talent at Multiverse, states, "The reality is,

companies are not going to survive in the future if they don't have diversity, not only will it colour their reputation – they simply won't perform to their full potential. It's not actually a choice."

## INVESTORS ARE WATCHING: DIVERSITY AS A KEY FACTOR IN FUNDING DECISIONS

Investors are increasingly considering diversity and inclusion when making funding decisions. Will Orde, Partner at Passion Capital, emphasizes that they look at both the diversity of founders and their approach to building a diverse team. "We want to invest in a diverse set of founders because you get good outcomes from diverse founders. The second is the founder's cultural attitude and how they're thinking about building their team going forward."

Kiri O'Brien, Co-founder & Director at Druthers Search, notes, "This new data shows that companies prioritising equality, diversity, and inclusion from the outset are not only leading in innovation but also reaping billion-pound rewards. The message is clear: while financial success is achievable without focusing on EDI, investing in building an effective team that's rooted in fairness and consistency as early as possible is transformative, leading to greater success and better positioning for sustained growth and innovation."

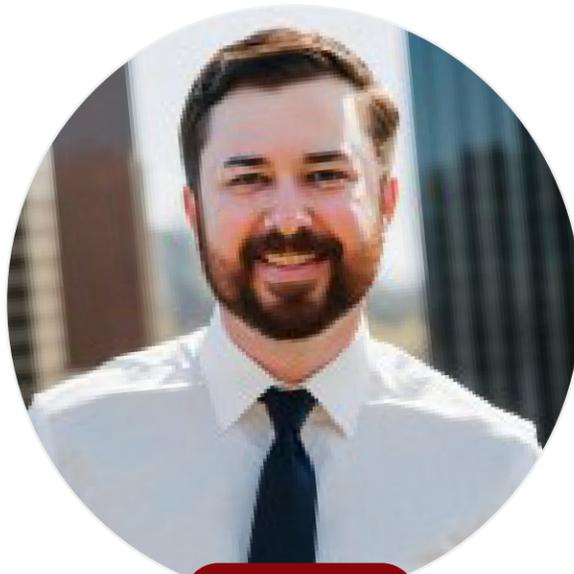
For unicorns and other high-growth companies, closing the gender pay gap is crucial to achieving long-term success. A diverse and inclusive workforce fosters innovation, improves profitability, and attracts top talent.

In summary, the gender pay gap remains a significant issue within UK unicorns, impacting not only the women involved but also the overall performance and future success of these companies. Addressing this disparity through transparent pay practices, promoting diversity in leadership, and comprehensive EDI reporting is a strategic business decision that can lead to greater profitability, innovation, and long-term success. ■

**KIRSTY TRAFFORD-OWEN** is the co-founder of Druthers Search in London, England, with over 22 years of experience in executive recruitment. She specialises in placing senior to board-level executives across a variety of sectors, including technology, banking, and FMCG.

# HR's newest BALANCING ACT

Benefits personalization versus employee privacy: Employees want data to help their benefits experience, but with limits.



FROM THE US

BY STEPHEN HIGGINS

Director of Automation at Empyrean



FROM THE US

BY KATIE CARROLL

Senior Director of Go-to-Market at Empyrean

About 90% of employees want a more personalized experience when shopping for, selecting, and using employer-provided benefits. Yet, just 27% of those same people want employers to use their personal data to improve their experience with those benefits. That creates challenges for benefits leaders who want their workforce to understand, use, and value the benefits their companies provide and for benefits brokers who need to understand the benefits administration technology available to employers and act as trusted advisors to them.

Personalization is a hot topic in today's benefits landscape. Employees increasingly demand benefit plans that align with their unique needs, while AI and advances in other technologies make it easier for HR professionals and benefits leaders to meet that challenge.

But, there's a wrinkle in the way of the promise

of a tailored benefits experience for every employee. Employees are hesitant to share the personal data needed to achieve and maximize the tailored experience they want. The conflict has left HR leaders walking a tightrope. On the one hand, they can wield AI to help drive increasingly personalized benefit strategies and enrollment experiences. On the other hand, they must recognize, address, and overcome employee fear of data breaches and invasions of their privacy.

## THE DEMAND FOR PERSONALIZATION IS REAL AND MULTIFACETED

The demand for greater personalization of benefits has been driven by cultural shifts that include the evolution of a four-generation workforce and the increase in remote and hybrid work arrangements despite the trend toward more companies implementing return-to-office policies.

## DATA

Here are a few examples of why one-size-fits-all benefits no longer work:

- Baby boomers are 48% more likely than Gen Z employees and 37% more likely than Millennials to prioritize physical healthcare benefits (like medical insurance).
- Gen Zers, meanwhile, are 50% more likely than boomers and 14% more likely than Millennials to emphasize the value of mental health benefits.
- All four generations in today's workforce place nearly equal value on financial wellness benefits, but the underlying needs and most relevant solutions vary (e.g., younger workers have a greater interest in student loan assistance and counseling for debt management, while older workers prioritize income protection.)

The bottom line is that the preference for benefits personalization cuts across all generations. Nearly 90% of employees desire benefits that resonate with their specific situations, such as a healthcare plan tailored to their lifestyle.

## BEYOND TAILORED BENEFITS, EMPLOYEES WANT CONSUMER-LIKE BENEFITS EASE

However, employees want more than a holistic and more tailored selection of benefits. An increasing share of the workforce comprises employees who are digital natives – or who at least are more comfortable than not with the online world of apps, bots, chat, and search engines.

They're accustomed to personalized recommendations and a seamless, efficient purchasing process. More and more employees expect easy-to-navigate consumer experiences that will efficiently help them decide everything from what movies to stream, to what clothes to buy, to what types of vacations to take. And, they want to be able to pay for those purchases with the touch of a button or the roll of a smartphone over a QR code or a checkout counter card-swipe pad.

No wonder employees are wondering why their benefits can't be similarly customized and the processes to select and choose benefits be similarly streamlined. Whether you're talking about a young professional searching for mental health options or a baby boomer looking to ease arthritis, personalized benefits can simplify choices, enhance employee satisfaction, and boost the employer brand.

But, yet, that bugaboo remains. Employees are reluctant to share personal data in exchange for these enhancements and efficiency.

## THE PRIVACY PREDICAMENT IS REAL FOR HR AND BENEFITS LEADERS

Only 27% of employees are comfortable with their employers using personal data to improve their benefits experience. Employees are not alone. The Pew Research Center has reported that a staggering 77% of Americans express little trust in companies handling their data responsibly. Employees worry about who



accesses their information, potential misuse, and whether it could impact coverage or premiums. The fear stems from privacy fears, exacerbated by frequent data breaches and scandals.

Transparency is critical if employers want to bridge this gap. Pew Research studies concluded that 70% of people believe companies should clearly account for data handling. This means HR professionals and benefits leaders must move their organizations to implement robust measures to safeguard privacy and build trust actively.

Employees need clarity on:

- What data employers and benefit providers collect;
- What that data is being used for; and
- How this data is protected.

However, strategies and reassurance are insufficient. Employees deserve and expect tangible guardrails. Regular updates on security measures, privacy practices, and involving employees in data usage decisions can foster trust. It's crucial to understand that regaining lost trust is a challenge, as any breach could have long-term repercussions.

### TECHNOLOGY IS HR'S PATH TO FINDING THE RIGHT BALANCE

Finding the balance between benefits personalization and employee privacy hinges on technology. AI can offer tailored benefits by analyzing general data trends, which will avoid collecting overly personal details. Anonymized data can also help predict relevant benefits for different life stages.

However, employees may largely remain skeptical, so HR needs to ensure their organizations are transparent about AI's role in the benefits process. Companies should clearly outline, for example, work with a vendor who will outline in easy-to-understand language how they use employee data – and how they address potential or discovered inaccuracies in AI-driven recommendations.

Additionally, data minimization strategies limit exposure by collecting only essential data. Offering employees control over their data, such as letting them opt into benefits personalization,

shows that the company respects individual privacy preferences.

HR and other business leaders also need to overcome their own wariness of AI. Aflac's 2023 WorkForces Report on workplace trends found that, although 75% of employers acknowledge it's important for them to become familiar with AI to stay competitive, 56% are afraid of its growing use.

### HR'S POWER: LEVERAGING TECHNOLOGY WITH A PEOPLE-CENTRIC FOCUS

Balancing personalization and privacy in benefits administration is a delicate task that requires strategic guidance from HR leaders. By emphasizing transparency and upholding robust data protection measures, HR can help employers craft personalized benefits experiences that meet employee expectations while safeguarding their privacy.

Success lies in nurturing trust through the responsible use of AI and technology, ensuring that employees feel secure and valued. This approach not only enhances benefits packages but also boosts employee confidence and engagement within their organizations. ■

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# RECRUITERS ...

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# From 20 HOURS to 20 SECONDS

How AI will change the whole recruiting marketing industry.

The role of artificial intelligence has been widely debated in the recruitment sphere – how ethical it is, how much it is to be used, and whether artificial intelligence or machine learning can make good decisions.

However, the discussion has actually sifted sideways to a place where AI can change recruitment as we know it without compromising the human element of choosing the best candidate: recruitment marketing.

Because the real game-changer isn't the candidate selection phase of a recruitment process. Our learnings at Jobilla, after tens of thousands of campaigns in over 50 countries, show that the big issue is how to get the best candidates to apply for a job – even ones who are not looking for a new job because they are employed elsewhere. For HR managers, it's impossible to make a good choice from a poor or non-existent selection.

And this is where most HR Managers struggle:



FROM FINLAND

BY HENRI NORDSTRÖM

CEO of Jobilla

luring in the top candidates. They have to know where to source the candidates from, how to write the most compelling copy and employer branding, and how to make the process so easy that even someone currently employed would get interested enough to open the job ad.

This is where AI assistance truly shines. AI can help in the recruitment marketing process is automating time-consuming tasks like ads, landing page content and email drafts, and even more importantly, the heavy lifting phase where candidates are screened to find the right profile for a vacant position.

When the entire process is designed properly using AI, it can automatically complete all the steps in the recruitment campaign, cutting the time HR managers use for recruiting to a fraction of what it used to be and letting them focus on the main task - finding the right person in a pool of great candidates.

And that's not even considering the localization of recruitment campaigns in markets where you don't necessarily have a native speaker to set up your marketing campaign. We know that people respond better to their native language ads than generic English buzzwords.

With specialized AI tools for recruiters, you can create a campaign in any language at any time. Large language models are already so good that as long as the recruiters feed them the right employer branding, messaging, values, and candidate perks, it is impossible to distinguish recruitment marketing copy written by human or AI.

There's no doubt that the role of AI is on the rise. According to the latest statistics, AI recruitment market size was valued at USD 110 billion last year, and the total AI recruitment revenue is expected to grow at 29.7% from 2024 to 2030, reaching nearly USD 685 billion.

Recruiters are utilizing more and more of AI because, let's face it, recruitment can be cumbersome, time-consuming, expensive,



and frustrating. Not to mention that a badly executed recruitment campaign can seriously damage employer branding.

But AI isn't also a miracle maker. What one must remember is that if your recruitment process is utterly broken, it can't be mended with AI. That's why organizations must be sure that their behind-the-scenes processes are ready to welcome the best candidates.

People experiencing a bad recruitment process are your worst advertisement. So make sure you are ready to welcome the best possible employee while also ensuring that although you used AI, people leave thinking this was the most humane recruitment process they have been part of. AI can help you give personalized and constructive feedback to a bigger pool of rejected candidates, which can help them in their search for their dream careers.

In short ...

HR managers will always be the ones choosing the best candidates. AI is not omnipotent, but AI can set up the whole infrastructure around a recruitment campaign in seconds.

Tracking progress, targeting the right audiences, setting up ads, customizing messages and summaries, and providing data throughout the process.

Increased efficiency means recruiters only need to identify their ideal candidates, and they will start receiving applications that match their needs. Leaving them with the time and confidence they need to make the right hiring decisions. ■

**HENRI NORDSTRÖM** is the CEO of Jobilla based in Helsinki, Uusimaa, Finland.

# Jackson breaks and the ART OF DECISION-MAKING

A Harvard Business School (HBS) Case Method (Part Two).



FROM THE US

BY MOSTAFA SAYYADI

Senior Management Consultant at The Change Leader Consulting Inc.

Jackson (known as Jack) was looking at leadership from a new perspective now as his career began to move one level up. He remembered his days living in a suburb of Manhattan, a small island called Staten Island. His father was a great leader and supported his basketball league as coach, cub scouts as Cub Scout leader, and the baseball coordinator of a new league in which his father and his friends' fathers were all coaches.

Jack remembered his father to be jovial and likable but even he knew his limitations. When Jack was sad from dating breakups, his father encouraged him to have a chip on his shoulder and realize his value of being a good kid with high integrity, handsomeness and strength. Never doubting Jack's ability, his father would encourage only the best from him. In some ways now, Jack looked back at his father as a transformational leader.

### REFLECTING ON JACK'S MOTIVATION

"I am quick to make decisions and never look



FROM THE US

BY MICHAEL J. PROVITERA

Associate Professor of Organizational Behavior at Barry University

an opportunity with a shy eye," Jack always said about his motivations and, most of all, "I love to go beyond the status quo and do more and be more than my competitors." He learned this from a quote by Robert Iger, CEO of Walt Disney Corporation. Robert's quote was spot on.

"Optimism is a very very important part of leadership. People don't like to follow pessimists." Robert Iger

Jack had a plaque in his office by L. P. Jacks that said: "A master in the art of living draws no sharp distinction between his work and his play; his labor and his leisure; his mind and his body; his education and his recreation. He hardly knows which is which. He simply pursues his vision of excellence through whatever he is doing, and leaves others to determine whether he is working or playing. To himself, he always appears to be doing both."

Jack did not only learn from his father; his mother was a true leader also. She would organize and manage her delicatessen like a

whirlwind. She always built Jack's self-esteem and was his biggest cheerleader. She had certain traits that Jack remembered: Integrity, Intelligence, Drive, Energy, and the Ability to lead and inspire people. Traits became a way of life for Jack. Jack analyzed his bosses, his professors, his uncle Joe the lawyer, and his aunt Mickey who ran a crew of women to help the United States win the War by working hard in the states to prepare the soldiers.

He even learned from his Aunt Maria who, in Italy, was a victim of the German occupation. She taught him perseverance and determination to hold on to the last crumb to survive. When she experienced things that happened and told Jack, tears came down her eyes and Jack wept. His uncle Reid Diggs once told him about the slaves that he had in Virginia.

Reid mentioned that they took his name and were like family---he was a proud slave owner. Jack disagreed with him and felt that all men and women should be free but Jack did remember the tear coming down from his uncle's eyes. Now, building his traits became an obsession for him. He accumulated as many as he could and he attempted to master each of them one at a time for perhaps a week and then move onto another.

Jack told his daughter of a leader that once said: "Be who...you were meant to be and you will set the world on fire."

Jack also told his daughter that there is nothing that she cannot be or do and that all she must do is go out and get it. He talked about entrepreneurship and what he experienced

in his work, "Intrapreneurship." Then he said there is a term he uses in the boardroom to motivate his followers. His daughter asked, "What term is that, dad?" Jack answered, "I would like to introduce a new term today called 'Motrapreneur,'":

A Motrapreneur is someone who takes stock in themselves and sets up a personalized reward system for themselves, takes calculated risks, and is determined to stay on purpose by incremental improvement with the intention of creating a sense of intensity and direction coupled with a burning desire to live to their fullest potential.

Jack's daughter Nicolette wanted to be an actuary from a very young age and planned to go to Penn State where her grandmother went and became a finance executive at Macy's department store worldwide. She wanted to help people save for retirement and manage insurance policies for people so that they can retire and enjoy life and travel the world. Jack encouraged her even though he wanted her to follow him in his own footsteps. He realized that she may change her mind and join him on the trading desk but he wanted her to have her own individuality and create her own destiny.



### THE JOURNEY HAD PITFALLS

While holding a prominent executive position as profit-and-loss analyst, a trader he supported held back the coupon on mortgage bonds but paid the finance charge. Coupons are income while finance charges are expenses. The trader was hiding the profit to offset losses that he incurred while trading the bonds. Jack was faced

with a seventeen-million-dollar deficit. His boss called him into the office and told him, "I am not going to be able to move you to the next level, Jack!" Jack failed early in his career but he learned from the failure and even though he thought all this documentation had a trail to some sought of success, somehow he did not see it.

Another trader hid money in the pricing of the bonds and later was determined to overprice bonds that actually lost money. Seventeen million dollars had to be changed in the balance sheet after the annual report was printed. However, the audit trail was built on brick and mortar, and he was correct, realizing it was his account and that the trader hid the money under his watch. He made an accounting error, but he did not do anything illegal.

The Security and Exchange Commission came down on him hard as his bosses attempted to place the blame on him. He was interviewed and told what to say by his firm appointed lawyer for him in a conference room.

He had a Harvard lawyer back him up in the conversation and coach him. The trader just walked off the trading desk and left Jack holding the problem alone. His bosses, also in trouble, held Jack out to dry by placing blame on him instead of the trader.

The Security and Exchange commissioner was angry and yelled at Jack in the conference room. Nevertheless, Jack stood his ground and told the SEC official that he followed the rules and that the trader hid the money in the value of the bonds in a way in which he could not account for them based on current market sales and liquidation.

If nothing was sold in this bond market, the value is relative and could not be calculated precisely. Jack was so ashamed that he knew that his career at this investment bank may have come

to a standstill. It did not, however, and he survived. What saved him was his positive nature and his frank appellation at what took place and not what he did wrong but what the trader was trying to hide to save his own career at Jack's expense.

Earlier in his career, when he first started out in profit and loss analysis, the person training him changed the cost price on the bonds in front of him. Jack told the person training him that he could not change cost prices on any financial assets because bonds are priced on a mark-to-market basis, but the person manipulated Jack to believe him.

He had a convincing, aggressive personality and Jack did not know how to be assertive enough at this point in his career. However, behind the person's back, Jack wrote a letter to his immediate boss but his boss decided to deflect on the memo and not address the issue---he also questioned Jack's integrity. Jack could not defend himself because he had a strong respect for authority figures since his childhood.

Three weeks later, the senior boss along with a crew of people came to realize that bonds might not be priced correctly. They found twenty-four million in losses in his account due to the paper trail of changing the cost of the bonds. When Jack's senior boss found out about it, he challenged Jack and looked at his work but realized that Jack had high integrity----the letter sent to his senior boss saved his career.

His immediate boss was driving on a highway several states away when he heard the news and almost drove off the road. Jack blew the whistle, and the person was fired but that also left him feeling that not everyone is honest and has personal integrity.

However, Jack realized that this was his faith and righteousness was his rock and he would never let someone manipulate him again like that.



### JACK'S DECISION

Was Jack prepared for this new career to move one level up in Wisconsin? It was a pivotal move. One that could make or break his career. His wife was on board. He remembered the Peter Principle by Laurence Peters that said that all leaders rise to an occasion in which they fail. He did not want to fail.

The Wisconsin job would put him in charge of a larger span of control, double his salary, and help him prepare his daughter for her college years at an Ivy League school of her choice.

Jack heard that the word on the street is that if he took it, he was a success, but if he did not, he might as well remain a vice president for the rest of his life.

Jack knew his wife could find work anywhere, but what if her Ph.D. lands her a job at Yale, her alma mater or Harvard. Then what?

On the other hand, the new opportunity was a milestone to reflect on his success thus far. He had both depth and breadth now of the mortgage-backed security market and his clients loved him. This job was tempting and turning it down may make him look in mobilized and land-locked to New York City. Jack's boss Maryann texted him, "Jack, I know 24 hours is a short period of time but I need your decision or I am going with Tameka Watson. I want you to know that we still need a strong VP here if you decide not to go---your choice!"

Tameka worked right next to Jack in the equities department; she did not know very much about mortgage bonds but Maryann knew a good manager would pick up the skill-set quickly and hit the ground running. Jack had a tough choice to make.

Tameka was very competitive; she graduated from Harvard Business School with an MBA in finance, she was single, mobile, and would take the opportunity in a flash.

She graduated top in her class in the Sales and Training program at the Investment Bank. Her mother was Secretary of State in the United States capital and her father was in the Senator for the State of Illinois.

As Jack looked at his daughter studying in the dining room with her music on, his thoughts raced across his mind. He just wanted his wife to come back from Seattle and give him a big bear hug. "Perhaps I will hug both of them together, and include my Maltese dog, Buddy," Jack thought. ■

**MICHAEL J. PROVITERA** is an Associate Professor of Organizational Behavior at Barry University in Florida, an author of the book titled *Mastering Self-Motivation* published by BusinessExpertPress. **MOSTAFA SAYYADI** is a Senior Management Consultant at The Change Leader Consulting Inc. in San Diego, California, US. He is a coauthor of the recently published book, *Postpandemic Recovery*.

# Time to redefine “PROFESSIONAL” and “NORMAL”

One in seven people are neurodivergent: here's how to work with everybody.

If you work with people, you'll know how hard it can be. From simple misunderstandings that lead to complex grievances, to balancing boundaries and rules with inclusion and belonging - it can feel impossible to please everybody, and exhausting to try.

However, this isn't actually necessary for a thriving and supportive workplace. Pleasing everybody is not the same as working effectively and respectfully together. The challenge is that doing so requires emotional skills and vulnerability rarely taught in our 'one size fits all' society - the ability to see past our own bias of 'normal' and think outside the box.

We all have our own unique ways of thinking and processing within the world - and 1 in 7 people are neurodivergent, meaning that their

brain is structured differently to 'most'. This can be overwhelming, as neurodivergence is often non-apparent, in addition to being highly individual and situational. If you've met one neurodivergent person, you've met onw neurodivergent person.

Within an overwhelming, outdated, and highly inaccessible medical model of neurodivergence, against a backdrop of stigma within our society, employers are finding it difficult to catch up. This can be seen by an increase in 30% of employment tribunal cases relating to neurodivergent conditions such as ADHD and Autism - for which the damages are uncapped.

However, the answer is easy - and it benefits everybody, not neurodivergent people. By accepting the variations in how everybody thinks as 'neuro-differences', we can better understand ourselves and others.

This perspective redefines outdated, pathologising models, allowing us to recognise and address everybody's needs effectively - without the need for legal action!

Here's how to apply our Neuro-Affirmative framework, rethinking neurodiversity to work for - and with - everybody:

## 1. ACCEPT

Being neurodivergent isn't an excuse, but it can be an explanation. Accepting that people who think differently to us are not 'disordered' or problematic, but genuinely think differently, can free us to move beyond misunderstandings, fostering pro-active collaboration.

It means accepting that neurodivergence is real, regardless of diagnosis or disclosure. People shouldn't need a label for their differences to be accepted - whether these relate to learning, communication, cognitive processing, emotional regulation, sensory

processing, or anything else.

In the workplace, this could look like using a 'preferences checklist' when working with new people (regardless of disclosure of neurodivergence), accepting that people may have differing needs.

For example, Mind's free Wellness Action Plan asks questions such as 'are there any situations that can trigger poor mental health for you whilst working?', recognising these may be different for everybody.

## 2. ASSUME

From the neuro-bias of equating eye contact with confidence, to a preference for face-to-face communication and meetings over emails, we all have our own unique conditioned version of 'normal'.

This means we all have differing expectations of each other, which are rarely communicated explicitly. For example, consider the question, 'How are you?'. Different people may interpret this in different ways - some might be more detailed and honest, whilst others may prefer concise responses, not realising there's an expectation to ask the question in return.

By assuming positive intent, we open ourselves up to understanding, rather than making quick judgements.

Addressing this is simple: assume the best in others. For instance, if a colleague doesn't attend social events, it may not be a sign that they're rude or uncommitted, but rather that they feel more comfortable socialising at work.

Replace doubt and suspicion with belief in their perspectives, needs, and beliefs. Presuming positive intent fosters cooperation and empathy, to counteract negative stereotypes and bias.

A simple example could include inviting discussions based on lived experiences, rather than relying solely on formal medical diagnoses. This approach encourages trust and inclusion, recognising that everyone's unique experience are valid, whether diagnosed or not.

## 3. ACKNOWLEDGE

You do not need to agree with someone to acknowledge their reality as valid. There may be a range of situations you may not necessarily understand or believe in, from ADHD to energy healing, Rejection Sensitive Dysphoria to religion - but everybody's beliefs are worthy of respect.

Acknowledging someone's experiences as valid fosters psychological safety, enabling you both to move forward. For example, when faced with an experience you may not necessarily understand, you can say, 'I don't understand this completely, but I respect your experiences and would like to learn more.'

Clearly communicating your intentions and providing reassurance is extremely helpful to creating foundations of safety and belonging.

## 4. ADAPT

Adapting is an opportunity to learn, develop and grow. It means recognising and embracing the realities of others, even if they differ from our own, and acting accordingly.

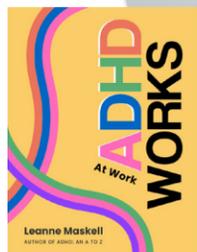
It involves adjusting our own thoughts and actions to respect those differences, cultivating trust, connection, and collaboration. It ultimately means compromise and equality, recognising that one person's needs and preferences aren't necessarily more or less important than anybody else's. It is impossible to please everybody, but a balance can be found.

Adaptions based off a mutual understanding and respect for difference, in the pursuit of compromise, create flexible, collaborative, and



FROM THE UK

BY LEANNE MASKELL  
Director of ADHD Works



supportive environments where everybody can thrive. This approach recognises that one size doesn't fit all, and adjustments are opportunities, not burdens.

These conversations can feel uncomfortable, as they require vulnerability and an acceptance that the 'status quo' may not be working for everybody, but this is an opportunity for improvement. It's important to include and listen to people thoroughly in conversations that may relate to them, explaining context and purpose with compassion and openness to change.

5. ADVOCATE

To be neuro-affirmative is inclusion with intent. It's a recognition that neurodivergent people may be disadvantaged by the inherent ableism entrenched in the current operating models of our society, and an ongoing commitment to tackling this.

This isn't the job of one person: it's a collaborative effort. Working to create a level playing field for everybody means understanding the inherent vulnerability that remains for disabled people, such as an increased risk to burnout, abuse, and misunderstandings.

Just because you are neuro-affirmative, doesn't mean that everybody else will be. You also don't need to be neurodivergent yourself to advocate for improvements that will benefit everybody.

For example, you could create or request to review disability, safeguarding, and risk policies within your workplace.

6. ALIGN

Alignment means fostering collaboration, flexibility, and compromise, creating environments that work for everybody. Clear communication and collaboration are essential to ensure environments effectively accommodate everybody, regardless of disability, diagnosis, or disclosure.

This is change on a systemic level: aligning different ways of thinking in pursuit of common goals. It's remembering that everybody is doing the best with what they have available to them, and adjusting working set ups to enable everybody to play to their strengths.

Ultimately, it's redesigning what we consider to be 'professional' and 'normal'. Embracing people for who they are, enables a sense of belonging that goes beyond any checklist or policy. A working place where everybody fits in allows them to effectively align their expectations and efforts, embracing our differences as strengths. ■

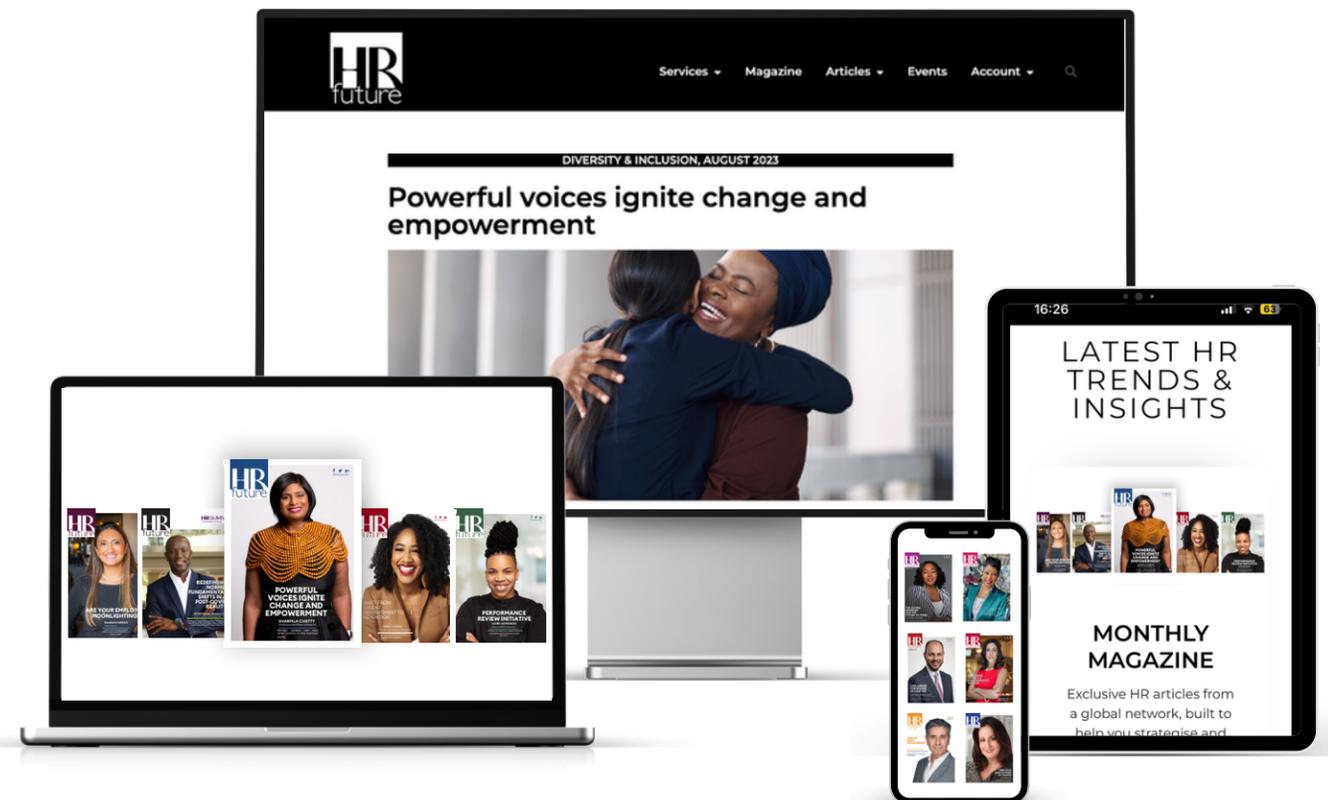
LEANNE MASKELL is the director of ADHD Works in London, England, creators of the Neuro-Affirmative Certification Programme and other ADHD coaching courses. She is also the author of ADHD Works at Work and ADHD an A-Z.



# REDESIGN JOBS & UPSKILL YOUR PEOPLE

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# Prepare for the **FUTURE** of **ENVIRONMENTAL JOBS**

Top five best practices and courses for successful environmental job training.



FROM CANADA

**BY JOHN HENDRY**

Urban planner and community development consultant



FROM THE US

**BY ROGER E. SIMON**

Professional environmental geologist and certified OSHA trainer

**G**reen jobs are experiencing significant growth worldwide, with an impressive 8% increase over the past five years. As current unemployment rates in the United States persist above 4%, it's clear that these jobs have the potential to play a vital role in preventing a full recession in the years ahead. Thus, the demand for robust job training in the environmental sector has never been more critical.

For communities grappling with ongoing environmental challenges, access to environmental workforce training programs are especially essential for empowering residents to engage with pressing issues. This support not only aids environmental recovery but also stimulates economic growth, fostering a sustainable future for local communities and the overall workforce.

North Port St. Joe (NPSJ), a small community

in Northwest Florida, created a comprehensive training program led by the North Port St. Joe Community Development Corporation. This initiative, funded with the support of the nation's Environmental Protection Agency (EPA), serves as a blueprint for environmental job training nationwide by successfully equipping residents with practical skills in site remediation, pollution control, and sustainable water management.

The six-week program provides essential courses such as OSHA training, hazardous waste operations and emergency response, environmental site assessments, and water and wastewater planning. With a strong emphasis on hands-on experience through practical assessments and immersive on-the-job training, the program prepares students with the critical skills and confidence needed to excel in the region's environmental sector.

Here are five best practices and course recommendations for those communities who

might be looking to similarly open the door for their residents into the green job economy:

**1. PRIORITIZE REGULATORY COMPLIANCE: OSHA TRAINING**

Regulatory compliance is essential in environmental job training, especially for industries handling hazardous materials. The Occupational Safety and Health Administration (OSHA) plays a crucial role in enforcing safety standards designed to protect workers from environmental risks. Training programs, such as OSHA's 10-hour General Industry and 30-hour Construction Safety courses, provide students with vital knowledge about workplace safety, hazard recognition, and legal requirements. For organizations in sectors like environmental services, OSHA training ensures that workers stay informed about the latest safety regulations, enabling them to effectively mitigate workplace hazards. This proactive approach not only protects students but also helps organizations steer clear of expensive legal issues related to non-compliance with federal safety regulations. OSHA training is associated with a notable reduction in injuries on the job, highlighting its vital role in creating a safer work environment.

**Best Practice:** Prioritize safety training from the start. By incorporating OSHA training as a mandatory component of student onboarding, organizations ensure that their workforce is adequately prepared to operate safely and in compliance with regulatory standards across a variety of on-the-job training opportunities incorporated with other courses as well.

**2. PREPARE FOR HIGH-RISK ENVIRONMENTS: HAZWOPER CERTIFICATION**

Hazardous Waste Operations and Emergency Response (HAZWOPER) training is crucial for employees working in environments where hazardous substances are present. This OSHA-mandated training prepares workers for high-risk situations, including chemical spills, environmental remediation, and the management of hazardous waste sites.

HAZWOPER courses vary in duration, offering a comprehensive 40-hour certification, as well as more focused

24-hour and 8-hour refresher programs. This flexibility allows organizations to tailor training based on the specific risks employees may encounter. HAZWOPER-certified workers are essential in industries dealing with chemical waste, environmental disasters, and emergency response, equipping them to safely navigate high-risk situations while minimizing environmental damage. This training is integral for safeguarding public health and the environment during hazardous operations. **Best Practice:** Invest in ongoing certification. Given the evolving nature of environmental hazards and safety protocols, it is a good idea to also offer regular refresher courses to ensure the workforce remains qualified and ready to respond to any emergencies.

**3. FOCUS ON SITE MANAGEMENT: ENVIRONMENTAL SITE ASSESSMENTS**

Environmental Site Assessments (ESAs) are an essential tool for identifying contamination and environmental liabilities on properties, particularly before real estate transactions or development projects. These assessments enable organizations to evaluate the environmental risks associated with a site, including soil contamination, groundwater concerns, and the presence of hazardous waste, an issue the North Port St. Joe community has personally dealt with greatly.

Training in Phase I and Phase II ESAs equip professionals with the skills needed to conduct thorough investigations of a site's history, perform environmental sampling, and document potential risks. Adequate preparation in this area is vital for preventing costly legal issues in the future. By ensuring that comprehensive ESAs are conducted, organizations can protect their environmental integrity and promote responsible development practices. **Best Practice:** Prioritize hands-on learning. Site management training should integrate practical fieldwork, allowing students to apply their skills in real-world scenarios. Engaging in activities such as sample testing and site visits provides invaluable experience that prepares them for future environmental assessments and projects.

**4. TACKLE INFRASTRUCTURE NEEDS: WATER AND WASTEWATER PLANNING**

Water and wastewater management plays an essential role in environmental sustainability, particularly in light of increasing concerns about water scarcity, pollution, and aging infrastructure. Professionals in this field must grasp both the engineering principles and environmental science underlying water treatment, wastewater recycling, and stormwater management. Training programs focused on water and wastewater planning should address topics, including regulatory compliance with the Clean Water Act, sustainable water system design, and public health protection. As industries and municipalities strive to meet stricter water quality standards, students trained in this area are instrumental in ensuring access to clean water and developing sustainable wastewater solutions. **Best Practice:** Promote interdisciplinary training. Water management intersects with various fields, including public health, engineering, and environmental science. Encouraging students to engage in interdisciplinary learning will equip them with a well-rounded perspective, improving their ability to tackle complex challenges in environmental jobs effectively. This holistic approach fosters innovative problem-solving and better decision-making in their roles within the green job sector.

**5. PROVIDE HANDS-ON EXPERIENCE**

While classroom training provides the foundational theoretical knowledge necessary for environmental work, it is the hands-on experience that truly equips students to tackle the real-world workforce challenges they might encounter. Effective job training programs incorporate practical learning opportunities through on-site field trips and projects such as cleaning up contaminated sites and managing water resources. By integrating practical skills in OSHA compliance, HAZWOPER certification, and environmental site assessments, these programs significantly boost participants' job prospects while also fostering the overall environmental health of their communities.

**Best Practice:** Offering hands-on learning experiences that directly contribute to environmental rehabilitation, these initiatives should equip trainees with the confidence and practical skills necessary to succeed in the job market. Engaging with

their communities fosters a sense of purpose and responsibility among students.

**PREPARING THE WORKFORCE FOR THE FUTURE OF ENVIRONMENTAL JOBS**

As the demand for environmental jobs continues to rise, the need for comprehensive and practical training programs becomes increasingly urgent. For HR professionals and organizational leaders, fostering a workforce capable of effectively addressing environmental challenges is essential for compliance and long-term sustainability.

Emphasizing these courses and best practices can cultivate a capable and resilient workforce ready to confront future environmental issues. By integrating specialized courses and certifications into workforce development strategies, organizations not only enhance their competitive edge but also empower rising professionals to contribute meaningfully to a more sustainable and environmentally responsible future for all. ■

**JOHN HENDRY** is an urban planner and community development consultant. A native of England and currently residing in Canada, he formerly worked as a Vice President of The St. Joe Company in Gulf County, Florida, US. In this role he was responsible for planning and developing the St Joe Company's Windmark Beach development in Port St. Joe and residential projects surrounding it. During that time, he grew his relationship with the community of North Port St. Joe area and became a long-running advocate for its success. He serves as a consultant for the North Port St. Joe Community Development Corporation today. **ROGER E. SIMON** is a professional environmental geologist and certified OSHA trainer. He began his career in 1980 working for Maryland Department of Environment as Head of the Groundwater permits Section. In 1997, he relocated to Miami Florida where he joined the environmental consulting firm Barnes, Ferland and Associates, Inc. (aka BFA Environmental). Throughout his time at BFA, Mr. Simon has managed contamination site assessments and cleanup projects in brownfield communities of Miami, Tampa and Orlando. As an OSHA certified trainer, Mr. Simon serves as BFA'S lead instructor on all environmental and OSHA training related to Brownfields job training programs focusing primarily on environmental justice communities such as North Port St. Joe.

**DEPRESSION** - The silent killer

According to the World Health Organization, depression is the leading cause of ill health and disability worldwide. Its latest estimates show that more than 300 million people are living with depression, an increase of more than 18% between 2005 and 2015.

Depression is one of the prevalent mental disorders in South Africa:

The infographic features several data points and icons: a sad face icon for prevalence, a woman icon for gender disparity, a man icon for lifetime prevalence, a rope knot icon for suicides, a silhouette of a person for suicide attempts, a graduation cap for university students, a landscape icon for rural prevalence, and a city skyline icon for urban prevalence. It also includes a list of factors causing depression and a note on treatment response.

- The lifetime prevalence of depression in SA is **9.7% or 4.5 Million**<sup>1</sup>
- Women are **2x more** likely to suffer from depression than men<sup>2</sup>
- About **20%** of South Africans will experience a depressive disorder at least once in their lifetime<sup>2</sup>
- There are **23** known suicides in South Africa per day (11% of all non-natural deaths). That's roughly **8000** suicides in South Africa each year.<sup>2</sup>
- For every person who commits a suicide, **10 attempt it**<sup>2</sup>
- In South Africa, small rural-based studies have found a prevalence rate of **depressive symptomatology of 18% and a rate of depression of 27%**.<sup>4</sup>
- In an urban setting, a prevalence of depression of **25.2%** in an urban setting, and a **34.7%** prevalence of postpartum depression in a peri-urban settlement in Cape Town<sup>5</sup>
- Research suggests that as many as **12% of South African university students** experience anything from moderate to severe symptoms of depression.<sup>3</sup>
- Depression may be caused by a combination of many factors. These include:<sup>2</sup>
  - External events
  - Your genetic inheritance
  - An imbalance of brain chemicals
  - Certain medical conditions
  - Various medications
  - Substance abuse
- Depression is a treatable condition and between **80% and 90%** of people have a good response to treatment<sup>2</sup>

# DELIVER a world of work that works for all

Nurture inclusive environments to boost employee productivity.

In today's rapidly evolving workplace, employees and job seekers often struggle to bring their full selves to work. Many refrain from disclosing disabilities or mental health conditions and, as a result, miss out on the support and accommodations they need to thrive. But why is this the case? What can HR leaders do to create a stigma free environment where employees do not have to mask their needs and be their whole self at work?

This is a workforce planning challenge and it has never been more important given demographic shifts in play. The US Census Bureau projects that by 2034, older adults (65 and over) will outnumber children (under 18) in the US for the first time in history. Simultaneously, the World Economic Forum estimates that by 2030, more than 85 million jobs could go unfilled because there aren't enough skilled people to take them.

Inclusively recently released its State of



FROM THE US

BY SARAH BERNARD

Co-founder and COO of Inclusively

Workplace Inclusion & Accommodations report, shedding light on this challenge as employees navigate workplace accommodations. The report also offers valuable insights on how HR Professionals can foster a more inclusive culture.

## THE STIGMA SURROUNDING DISCLOSURE

The findings reveal that mental health conditions are a significant driver of workplace accommodation needs, yet many employees remain reluctant to disclose these conditions. Over half (55%) of job seekers cite mental health conditions as a top reason for needing accommodations at work, and nearly 48% report having a mental health condition they classify as a disability-related issue. Despite this, a staggering 56% of employees do not request their need for accommodations. The primary reason? They don't feel safe doing so.

The reluctance to disclose disabilities or accommodation needs stems from a fear of judgment, job insecurity, or having their qualifications questioned. Our survey also found that 43% of employees avoid sharing their accommodation needs because they don't feel safe, with concerns especially high around mental health and learning difference, as many workers worry about being stigmatized or excluded. This reluctance to disclose is particularly concerning given the short tenure of many young employees.

## THE ROLE OF ACCOMMODATIONS IN EMPLOYEE SUCCESS

One of the most significant findings in the report is, 58% of employees view accommodations as critical to their workplace success. Whether it's something as simple as needing extra time on tasks due to ADHD or flexible hours for working parents, accommodations are key to enabling employees to perform their best.

Despite their importance, these accommodations are often underutilized because many employees aren't clear on the

request process, which can result in lower productivity, higher turnover, and reduced overall job satisfaction.

For HR leaders, addressing these challenges requires both a cultural shift and the implementation of tools and systems that make it easier for employees to disclose their needs safely and confidentially.

## CREATING A CULTURE OF INCLUSION

Fostering an inclusive workplace culture begins with recognizing that employees come from diverse backgrounds, each with unique needs. An inclusive culture is one where employees are not only invited to share their needs but are actively encouraged to do so in an environment of trust and support.

HR leaders play a critical role in building this culture by:

- **NORMALIZING CONVERSATIONS ABOUT ACCOMMODATIONS:** Creating an open dialogue around accommodations helps to remove the stigma associated with them. When employees see that their colleagues are comfortable discussing their needs, they're more likely to feel empowered to do the same. HR leaders can drive this cultural change by promoting stories of successful accommodations and highlighting the positive impact these adjustments have on both the employee and the organization.
- **TRAINING MANAGERS TO BE ALLIES:** It's crucial for managers to be trained to recognize when an employee may need accommodation and how to offer support. The State of Workplace Inclusion & Accommodations data shows that many employees are hesitant to disclose their needs directly. By training managers to proactively offer assistance or guide employees to resources, HR leaders can create a more supportive environment where employees feel safe asking for help.
- **PROMOTING ANONYMOUS DISCLOSURE**

**TOOLS:** A whopping 77% of employees prefer anonymous tools for requesting accommodations. Providing employees with platforms that allow them to disclose their needs anonymously can help HR teams identify accommodation trends and proactively address them. This approach ensures that employees receive the support they need without fearing the repercussions of disclosure.

- **ENSURING CLEAR COMMUNICATION OF POLICIES:** Just because an accommodation policy exists doesn't mean employees know how to use it. HR leaders must ensure that all employees are aware of the process for requesting accommodations, what accommodations are available, and the support systems in place to facilitate these requests. This can be achieved through regular internal communications, training sessions, and easy-to-access resources.

## THE BUSINESS CASE FOR MEETING ALL EMPLOYEES WHERE THEY ARE

Investing in your employees isn't just a matter of compliance or doing the right thing—it's become a critical component of workforce planning. When employees feel supported and can access the tools and adjustments they need to succeed, companies benefit from improved productivity, higher retention rates, and greater employee well-being.

For instance, workers with neurodiverse conditions like ADHD may simply need extra time to complete tasks or a structured schedule to stay focused. Providing this support can drastically improve their efficiency and engagement, leading to better outcomes for both the employee and the business.

Similarly, flexible hours for working parents or employees with caregiving responsibilities can increase job satisfaction and loyalty, reducing turnover and the associated costs of hiring and training new staff. In fact, Inclusively's new research highlights that many accommodations

**OVER HALF (55%) OF JOB SEEKERS CITE MENTAL HEALTH CONDITIONS AS A TOP REASON FOR NEEDING ACCOMMODATIONS AT WORK, AND NEARLY 48% REPORT HAVING A MENTAL HEALTH CONDITION THEY CLASSIFY AS A DISABILITY-RELATED ISSUE.**

are relatively low-cost but have a significant impact on employee performance and well-being.

**ADDRESSING MENTAL HEALTH AND NEURODIVERSITY IN THE WORKPLACE**

While mental health and neurodiversity top the list of disability-related issues, the need for support extends across a wide range of employee circumstances. This data underscores that mental health accommodations are particularly important, with more than half of respondents (55%) citing mental health conditions as a top reason for needing workplace accommodations.

Addressing mental health in the workplace must go beyond offering counseling services or wellness programs. It requires creating a work environment where employees feel comfortable discussing their mental health and receiving the accommodations they need – whether that’s a more flexible schedule, time off for therapy, or reduced workloads during particularly stressful periods, like a move or a divorce.

Accommodating neurodiverse employees, such as those with ADHD or autism, may involve providing quiet workspaces, flexible deadlines, or structured routines that help them manage their workload. When these accommodations are in place, employees can fully contribute to the organization.

**THE FUTURE OF WORKPLACE ACCOMMODATIONS = A**

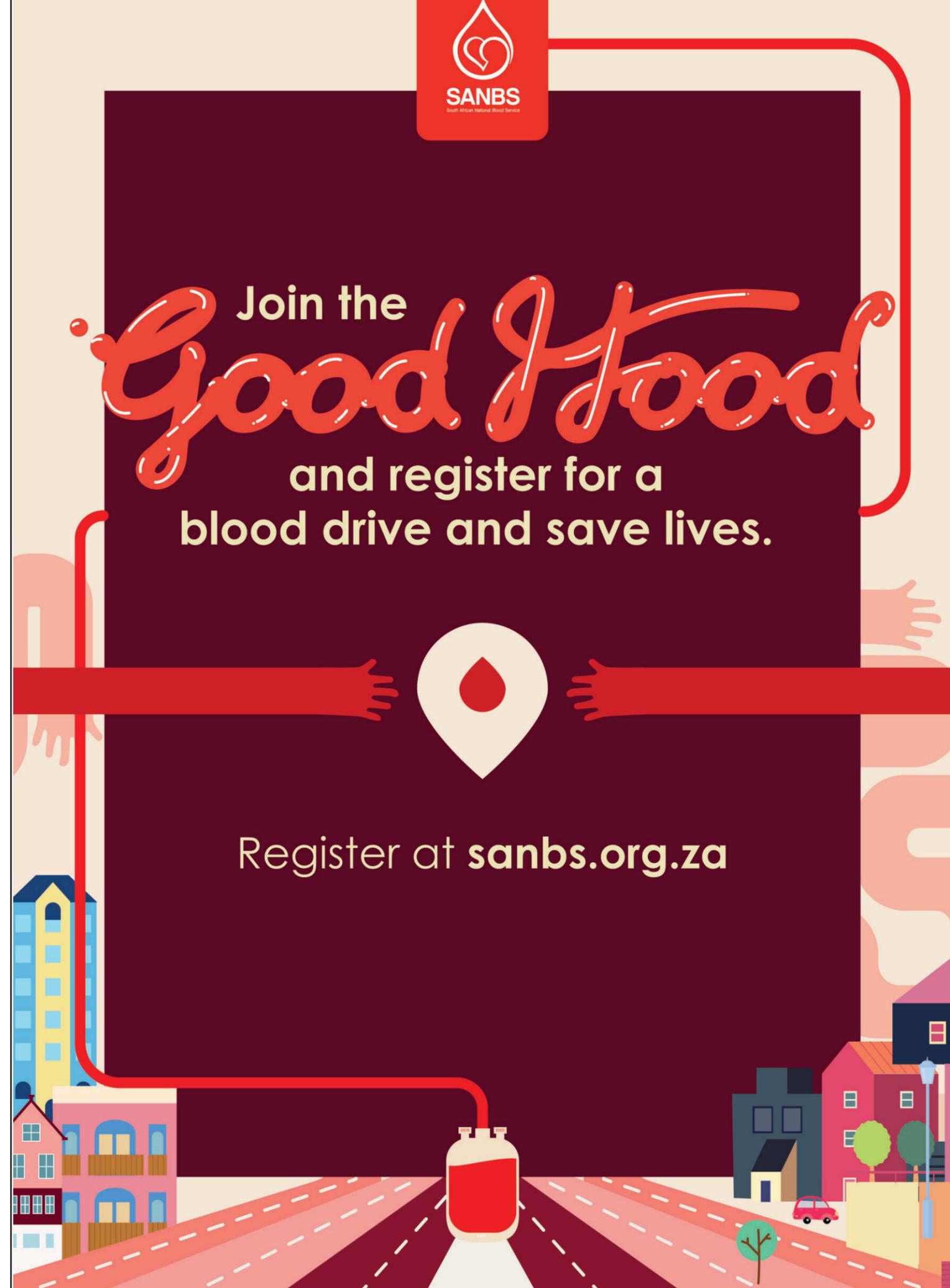
**UNIVERSAL APPROACH**

As companies recognize the increasing need to support diverse employee needs, workplace accommodations—especially for mental health and neurodiversity—are becoming crucial to HR strategies. HR leaders who embrace a universal approach – everyone is unique and will benefit from having access to the resources they need to be more productive and successful – will experience improved engagement and productivity, positioning their organizations as employers of choice.

To address these challenges at scale, solutions like Inclusively’s Retain platform are emerging. Such tools help businesses connect their existing investments in products, benefits, services, and technologies with the needs of their employees, optimizing resources already in place. Additionally, these platforms can collect data to help companies predict what their employees will need in the future, allowing for proactive accommodation strategies.

The State of Workplace Inclusion and Accommodations report highlights that building an inclusive environment requires action, not just policies. By normalizing discussions about accommodations, offering anonymous disclosure tools, and investing in tailored support, HR leaders can create a culture where employees feel safe, valued, and empowered to succeed. ■

**SARAH BERNARD** is the Co-founder and COO of Inclusively in St Louis, Missouri, US.



# s186(1)(e) of the LABOUR RELATIONS ACT

Continued employment made intolerable.

The Labour Appeal Court of South Africa, in *Sanlam Life Insurance Ltd v Mogomatsi and Others* (2023) 34 SALLR 353 (LAC), considered the following important issues:

- (a) With reference to *Murray v Minister of Defence* 2009 (3) SA 130 (SCA), how did the labour appeal court identify the nature of a constructive dismissal?
- (b) With reference to *Strategic Liquor Services v Mvumbi NO and Others* 2010 (2) SA 92 (CC), *National Health Laboratory Services v Yona and Others* (2015) 36 ILJ 2259 (LAC) and *Jordaan v CCMA and Others* (2010) 31 ILJ 2331 (LAC), what was the two-stage approach applicable to constructive dismissals so confirmed by the labour appeal court and how did it apply such approach?
- (c) How did the labour appeal court consider the fact that an employee suffers from mental ill-health when determining whether or not such employee has been constructively dismissed?

## OVERVIEW

This was an appeal against an order of the Labour Court which reviewed and set aside an arbitral award of the CCMA. The CCMA found that Mr Mogomatsi (the employee) had resigned and had thus not been constructively dismissed by Sanlam Life Insurance Limited (the employer).

The Labour Court, however, found that the employee had been constructively dismissed by the employer and ordered the latter to pay the former compensation in an amount equal to four months' salary.

This appeal was with the leave of the Labour Court.

## PERTINENT FACTS OF THE CASE

It is common cause that the employee was appointed on 1 June 2017 as a senior penetration tester: IT infrastructure shared services. He was one of the ethical hackers who regularly tested the information technology systems of



FROM SOUTH AFRICA

BY DR BRIAN VAN ZYL

Presenter of the South African Labour Law Report Seminars

the employer and allied companies for safety breaches in order to prevent them from being hacked. When any system was hacked, he and his colleagues would identify and eradicate the problem. The employment relationship was terminated on 30 May 2019, and the employee referred a constructive dismissal dispute to the CCMA. Conciliation was unsuccessful and the dispute was referred to arbitration.

## LABOUR COURT

The employee launched a review application against the CCMA award, to the effect that he had not been constructively dismissed.

In his founding affidavit, he alleged that the commissioner had failed to consider relevant evidence. He stated that she had failed to consider that he had been given an ultimatum to apologise to his colleague or resign and that he had been mentally ill at the time of his resignation.

The Labour Court found that no weight had been given to the employee's mental health during the arbitration. It found that, although the employer had attempted to show that the employee's conduct had been unacceptable since October 2018, no mention had been made of the employee's anxiety and depression.

It further found that:

'[19] There was no evidence that the Company considered an incapacity/ill-health process rather than a disciplinary process in the run up to the applicant's resignation. The approach of denying a common cause fact, i.e. the applicant's mental ill-health, and of sweeping it under the carpet so to speak, continued at arbitration. In the court's view, an assessment of the applicant's claim correctly made, should have incorporated the common cause mental ill health suffered by him during the material period. This approach would view the series of incidents the applicant iterated in his explanation of what led up to his resignation, and his employer's reaction thereto, in a different light. It would take into account that in ignoring the mental health issues of an employee, conduct of an employer can be rendered unfair. While it may be considered onerous for an employer to be capacitated to meet these challenges, it can be accepted to be a necessary requirement in this day and age.'

This led to the Labour Court's conclusion that, 'on the evidence before the Commissioner, the applicant did prove that the employment relationship became intolerable, and that the termination of the employment relationship in this case should, on a correct assessment, have been found to be a constructive dismissal.' It ordered the employer to pay the employee an amount equivalent to four month's salary as compensation.

## FINDINGS OF THE LABOUR APPEAL COURT

*Musi JA (Molahlehi ADJP et Savage AJA concurring)*

## ISSUES

Dissatisfied with the order, the employer approached the labour appeal court.

## ANALYSIS

A constructive dismissal or an employer-instigated dismissal arises when an employee terminates employment because the employer made continued employment intolerable (see s186(1)(e) of the LRA, which states that: 'Dismissal means that an employee terminated employment with or without notice because the employer made continued employment intolerable for the employee').

In *Murray v Minister of Defence* [2008] ZASCA 44; 2009 (3) SA 130 (SCA); (2008) 29 ILJ 1369 (SCA), at paragraph [13], it was stated that:

'It deserves emphasis that the mere fact that an employee resigns because work has become intolerable does not by itself make for constructive dismissal. For one thing, the employer may not have control over what makes conditions intolerable. So the critical circumstances 'must have been of the employer's making'. But even if the employer is responsible, it may not be to blame. There are many things an employer may fairly and reasonably do that may make an employee's position intolerable. More is needed: the employer must be culpably responsible in some way for the intolerable conditions: the conduct must (in the formulation the courts have adopted) have lacked "reasonable and proper cause". Culpability does not mean that the employer must have wanted or intended to get rid of the employee, though in many instances of constructive dismissal that is the case.'

In constructive dismissal disputes, a two-stage approach is normally followed. First, the employee must prove that the employer effectively dismissed him or her by making his or her continued employment intolerable. It is an objective test. The employee need not prove that he had no choice but to resign. All that is required is to prove that the employer had made

continued employment intolerable (Strategic Liquor Services v Mvumbi NO and Others [2009] ZACC 17; (2009) 30 ILJ 1526 (CC); 2010 (2) SA 92 (CC), at paragraph [4]).

The conduct of the employer towards the employee and the cumulative impact thereof must be such that, viewed objectively, the employee could not reasonably be expected to cope with it (National Health Laboratory Services v Yona & Others [2015] ZALAC 33; (2015) 36 ILJ 2259 (LAC), at paragraph [30]).

Secondly, after the dismissal had been established, the court would then evaluate whether the dismissal was unfair (Jordaan v CCMA (2010) 31 ILJ 2331 (LAC); Sappi Kraft (Pty) Ltd t/a Tugela Mill v Majake NO & Others (1998) 19 ILJ 1240 (LC), at 1250).

The two stages might overlap and be interrelated.

The Labour Appeal Court agreed with the Labour Court that mental ill-health could be a justifiable reason to terminate an employment relationship, provided it was done fairly. However, that was irrelevant for present purposes. Here the dispute was not an unfair dismissal in the conventional sense, relating to conduct or capacity, but a constructive dismissal.

To prove a constructive dismissal, the facts of the case had to point to the employer having been aware, or that it ought to have been aware, of the mental distress of the employee. If an employer is aware of an employee's psychiatric illness and the employer is indifferent or insensitive with regard to the employee's mental illness or vulnerability and thereby makes continued employment intolerable, a proper case for constructive dismissal might be established.

An employer must always be vigilant and act sensitively when it becomes aware, or ought to be aware, of a particular susceptibility or vulnerability of an employee. In a case where the employee claims constructive dismissal based on psychiatric ill health, the employee must, therefore, prove that the employer had been aware, or ought to have been aware, of the employee's psychiatric ill health.

It is common cause that the employee suffered from stress or depression during October 2018, after his mother had fallen ill. He saw a psychologist and his condition was treated. He had not complained to or discussed his condition with his employer thereafter. In fact, the employee's case was that the problems between him and the employer had started in December 2018.

During the arbitration proceedings, the employee did no mention his mental health condition as being the reason for his resignation and neither did he mention the employer's actions as having exacerbated his condition. It was only in the review application that he mentioned that his mental health condition (stress) had led to his resignation.

In his replying affidavit in the Labour Court, the employee stated the following about his mental health condition:

'Whilst it was not mentioned at the CCMA, I was diagnosed with a mental illness six months prior to my resignation. I am willing to share this information with the Labour Court if privacy is guaranteed.'

On his own case, his mental condition was not mentioned at the arbitration hearing. The medical certificate, which stated that he had resigned due to stress, was presented after his resignation. The Labour Court's finding, that the employee's mental ill health had been common cause, was not substantiated by the facts that were before the commissioner. Therefore, the conclusion that the employee's claim 'should have incorporated the common cause mental ill health suffered by him during the material period' was also incorrect. His mental ill health had not been common cause.

The Labour Court had misdirected itself when it adjudicated the review based on evidence that had not been before the commissioner. In any event, there was insufficient evidence to conclude that the employer had made continued employment intolerable.

The Labour Court, therefore, had erred in finding that there was a constructive dismissal. It had, unfortunately, lost sight of the fact that the onus on an employee to prove a constructive dismissal is heavy. An employee should not be allowed to rely on the fact that certain rules, which apply to all employees, frustrate, irritate or do not suit him or her as the basis for a claim of constructive dismissal (Old Mutual Group Schemes v Dreyer and Another [1999] ZALAC 50; (1999) 20 ILJ 2030 (LAC), at 2036).

## ORDER

The appeal succeeded with no order as to costs. ■

**DR BRIAN VAN ZYL** is a Director and the Presenter of the South African Labour Law Report Seminars. He is one of South Africa's most respected Labour Law Practitioners, is the author of numerous legal publications and regularly practises in the Labour Courts and the CCMA of South Africa.

# You don't need to die BEFORE YOU REALLY HAVE

When it comes to avoiding a health catastrophe, you can dodge many bullets before the one that finally gets you.



FROM SOUTH AFRICA

BY ALAN HOSKING

Publisher: HR Future Magazine and CEO of Osgard

Recently, the CEO of a listed company had a stroke. Out of the blue. By the usual standards, he was fit – mentally and physically. He exercised his body regularly at gym and exercised his mind regularly in the boardroom and elsewhere.

This medical incident stopped him and a very successful career in his tracks. After a stint in hospital, it was off to rehab and, regrettably, premature retirement where he is struggling to regain his speech.

Such an event is devastating for the person themselves, their family, friends, work colleagues and the company itself, and the question one asks oneself is: could such a health catastrophe have been prevented?

The answer is: in many cases, yes. While I don't know the contributing factors and the trigger in the particular case I've just referred to, it is safe to say that a lot of warning signs can be

picked up by someone who knows what they're looking for. And medical people who specialise in preventative medicine, such as anti-ageing – or integrative – medical practitioners, certainly know what to look for.

Inquiries after human disasters like those of the Titanic and the Space Shuttle inevitably reveal that there were a number of contributing events that led to the disaster. The disaster was simply the final event in a series of events that all worked together, usually undetected and seemingly unconnected, to result in the final catastrophe.

The same applies to health catastrophes, so being aware of what contributes to accelerated ageing, health catastrophes and premature death gives you a better chance of averting the catastrophe long before it gets anywhere near to that.

## WHAT TO DO

Conversations with executives on my executive renewal and leadership programmes have taught me that, when it comes to their health, most executives live dangerously. In fact, they look after their cars better than they look after their bodies, oblivious to the insanity of the fact that they invariably replace their cars every four years but are given only one body – for life.

There are a number of very basic things, and not so basic things, that can be done to prevent health catastrophes. For example, it should be a no-brainer that anybody over the age of 45 (or younger if they have a highly stressful career) should be visiting their doctor regularly – once every six months. In the old days, you might have been proud of the fact that you “hadn't set foot in a doctor's surgery in years”. That thinking is very, very last century. Today you should visit your doctor regularly, not because you're sick but so that you don't get sick.

The airline industry and the motor industry have long been working on a preventative model. – Aircraft parts are routinely replaced before they reach the end of their lifespan and motor cars are routinely serviced to ensure they keep



running as they should. You don't wait for your car to break down before you take it in to the dealer. You ensure that it is serviced regularly so that it never lets you down. Well, the same is true for our bodies. We need to have them checked regularly so that they don't let us down.

The usual markers are still applicable – heart rate, blood pressure, sugar levels, inflammation markers and so forth are good indicators that need to be checked. But so are your homocysteine levels. Homocysteine is a very reliable indicator of approaching heart disease, heart attack, stroke and a few other nasties. The dangerous thing is that high levels have no symptoms so you're completely unaware of them.

What causes high homocysteine levels? Chronic stress, for one! Hands up who isn't living with chronic stress? Mmmm ... thought so!

Next time you go for your six monthly medical

check up (yes, that's right, I said “six monthly” not annual check up, ask your doctor if s/he is testing your homocysteine level. If they say, “No,” (many don't test it) request that they do. If your homocysteine level is higher than 10 or 11, you've moved into the risk category for heart attack, stroke and premature death, and the risk increases the higher your level is. When the levels are lowered (there are supplements you can take to lower your homocysteine levels), you move out of the risk zone and get to continue with your life and career. After all, isn't that what you really want to do?! ■

**ALAN HOSKING** is the Publisher of HR Future magazine, and a Leadership Development Expert who specialises in developing both young and experienced leaders. He is the author of the best seller parenting book What Nobody Tells a New Father.

# Anti Racism Pledge



## I pledge to:

Take on racism,  
Learn about racism,  
Talk about it,  
Speak out against it,  
and Act to stop it.

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