

Stop Asking Managers to Be Empathetic and Start Requiring Fair Decisions



Two employees ask to adjust their working hours. The manager approves the request from the employee they know well and rejects the other because the team needs consistency. A remote employee misses a deadline and is told to return to the office. A promotion goes to the colleague who regularly stays late, while another candidate's work receives little discussion.

None of these decisions can be assessed properly from that description alone. There may be legitimate reasons for different outcomes. The problem is whether the manager can explain those reasons using relevant evidence, appropriate criteria and the employer's obligations.

That is where Canadian HR should focus its leadership expectations. Empathy helps a manager listen and respond respectfully. Fair decisions require additional competence: understanding the work, recognizing when rights may be engaged, weighing evidence and knowing the limits of personal authority.

The title isn't an argument for less empathy. It challenges employers to make their expectations specific enough to teach and enforce. Employees experience leadership through decisions about their work, opportunities and treatment. HR needs a standard that reaches those decisions, rather than stopping at a list of desirable personality traits.

Define fairness before promising consistency

Consistency is often interpreted as giving everyone the same answer. That approach can be inappropriate when work requirements differ or an individual needs accommodation.

A fair process uses relevant criteria, investigates material differences and explains the decision at an appropriate level. It also protects confidential information. Two employees may receive different arrangements without either being entitled to know the other's personal circumstances.

The Canadian Human Rights Commission's workplace accommodation guide addresses

federally regulated workplaces and explains an individualized process for identifying barriers and accommodation needs. Provincial and territorial human rights requirements must be assessed under their respective frameworks. [1]

Managers therefore need to distinguish a discretionary request from a possible accommodation matter. They don't need to make that legal assessment alone. They need to recognize when to involve HR, what they can decide in the meantime and how to avoid closing the discussion prematurely.

That is an observable leadership expectation. HR can review whether the manager asked appropriate questions, consulted the right people and followed through, rather than simply rating the manager as supportive.

The first test is a flexibility decision

Consider a hypothetical customer service team. One employee asks to start an hour earlier to avoid traffic. Another asks for an adjusted schedule and mentions responsibilities that may engage a protected ground. The manager is concerned about afternoon coverage.

A competent response starts with the work. What coverage is genuinely required, at what times and for which activities? Can tasks be redistributed? Does the proposed schedule affect service, safety, supervision or handoffs? The manager should investigate those questions rather than rely on a general preference for everyone being available at the same time.

The requests also need appropriate classification. The first may be assessed under the employer's discretionary flexibility policy. The second may require an accommodation review. The applicable legal test depends on jurisdiction and circumstances; managers shouldn't assume that every personal preference creates a legal entitlement or that a policy requiring identical schedules ends the inquiry.

A trial arrangement can be useful where appropriate, with clear coverage expectations and a review date. It shouldn't become a way to postpone an accommodation assessment indefinitely or demand that an employee repeatedly prove the legitimacy of a protected need.

Explain the team-level operating rule without disclosing individual details. Employees can be told how requests are assessed, what coverage must be maintained and where to raise concerns. A manager who reveals someone's medical or family circumstances to defend a decision creates a new problem while trying to resolve the original one.

The second test is performance without constant visibility

A remote employee misses two deadlines. The manager notices the employee is sometimes shown as unavailable online and concludes that working from home is the cause.

The first task is to establish what happened. Were the deadlines clear? Did the employee control the required inputs? Were other priorities assigned? What does the completed work show? Online status is an uncertain substitute for that evidence.

Define performance through the actual role. Quality, timeliness, customer outcomes,

collaboration and required availability may all matter. For work requiring real-time coverage, responsiveness is a legitimate operational consideration. For other tasks, constant online presence may reveal little about contribution.

The manager should discuss the specific shortfall, hear the employee's explanation and determine the response. That might include clearer priorities, coaching, revised coordination or appropriate performance management. A work-location change may warrant consideration, but it shouldn't be treated as a demonstrated remedy without examining the cause and the terms and obligations involved.

Monitoring creates separate questions. The Office of the Privacy Commissioner of Canada emphasizes transparency about the purpose, nature and extent of employee monitoring. [2] Managers shouldn't introduce tracking tools or repurpose data on their own because a performance discussion feels difficult. HR and the relevant privacy and technology owners need to assess the proposed collection and use under the applicable framework.

A manager demonstrates competence by identifying the performance issue accurately and responding proportionately. The test is the quality of that decision, not how much activity the manager can observe.

The third test is recognizing a possible accommodation need

An employee who previously performed reliably begins missing details and deadlines. During a meeting, they mention ongoing treatment and difficulty maintaining their usual schedule. The manager has already started preparing a warning.

This is a point to involve HR before deciding how to proceed. The Ontario Human Rights Commission explains that where an employer knows, or reasonably ought to know, that disability may be related to performance, a duty to inquire can arise before an adverse decision. That is Ontario guidance; employers elsewhere must assess their applicable obligations. [3]

A duty to inquire doesn't mean diagnosing the employee. The manager can describe the observed work issue, explain the requirement and ask whether there is a work-related barrier or support need that should be addressed through the appropriate process.

The Canadian Human Rights Commission's federal guide says workers requesting disability accommodation don't generally need to disclose a specific diagnosis; the employer needs information relevant to identifying and addressing workplace barriers. [1] Any request for supporting information should follow the authorized process and be limited to what is reasonably necessary in the circumstances.

The manager should know who receives confidential information, which interim arrangements they can approve and when to follow up. They shouldn't promise absolute confidentiality while knowing that limited information may need to be shared with authorized people. Nor should personal medical details appear in routine team notes.

Performance expectations can still be addressed, with accommodation obligations properly considered. Fairness requires a competent process rather than automatic discipline, automatic exemption or an improvised medical judgment.

The fourth test is a promotion decision

Two employees apply for a supervisor position. One has frequently covered for the manager and is well known to senior leadership. The other has strong results but has rarely received acting assignments.

The experience difference may be relevant. HR also needs to examine how it arose. If the manager repeatedly gave the first employee developmental work through informal selection, the promotion process may be evaluating an advantage the organization itself distributed unevenly.

Define the capabilities required for the vacancy before comparing candidates. Use relevant work samples, structured questions and documented evidence. Assess the ability to allocate work, give feedback, handle escalation and make sound decisions. Strong individual production doesn't establish those capabilities on its own.

Ask whether candidates need to demonstrate every capability through exactly the same prior assignment. Transferable experience may provide relevant evidence. Avoid replacing a legitimate requirement with a vague claim about leadership presence or cultural fit.

After the decision, explain the assessed gaps and available development opportunities without promising the next promotion. Review how future acting assignments will be advertised and allocated. A fair selection process becomes stronger when employees also have a fair opportunity to build the experience it values.

Put a value on decisions that consume the organization

Poor management judgment can create repeated operational costs even when no formal complaint occurs. Employees may appeal inconsistent decisions, HR may reconstruct missing records and senior leaders may become involved in disputes that an appropriate first response could have prevented.

Consider a hypothetical employer with 20 managers. Assume each manager generates two avoidable escalations per month. If each requires three hours of HR and leadership review at a blended loaded cost of \$85 an hour, the annual demand is 1,440 hours, valued at \$122,400.

These Canadian-dollar assumptions illustrate a capacity cost. They aren't a benchmark, a legal damages estimate or proof that all escalations are avoidable. Appropriate escalations can prevent harm and should be encouraged.

Suppose a programme of scenario practice, coaching and clearer decision authority costs \$24,000. A 25% reduction in genuinely avoidable repeat issues would release 360 hours, valued at \$30,600 under the assumptions. That creates a case for investigating the investment, not a guaranteed \$6,600 cash return.

The employer must establish a baseline, define avoidable consistently and account for implementation and manager time. It should also check that lower reporting doesn't reflect employees giving up. Measure the quality and timeliness of decisions alongside the volume of escalations, so managers aren't rewarded for keeping legitimate concerns out of view.

Teach judgment through realistic cases

Leadership training should prepare managers for decisions they will actually encounter. Policies provide the boundaries; practice helps managers recognize which boundary matters in a particular situation.

Use a small number of realistic cases drawn from approved, de-identified examples or clearly fictional scenarios. Give managers incomplete information, as they would receive in practice. Ask what they need to establish, which decision they can make and when they must seek help.

Assess the reasoning as well as the answer. A manager may reach an acceptable outcome through an approach that creates privacy or fairness risks. Another may appropriately defer a decision because essential information is missing. Recognizing a limit can demonstrate sound judgment.

Provide feedback and a chance to practise again. A single quiz after a course offers limited evidence that a manager can conduct a difficult discussion or apply a policy under pressure. Combine scenario assessment with supported observation of actual management work.

For newly appointed managers, establish which decisions require review during the initial period. Make the support practical and time-limited, with progression based on demonstrated competence. Unsupported autonomy isn't a development strategy.

Clarify authority so consultation doesn't become delay

Managers need a clear account of what they can approve and what requires HR or another specialist. A policy that sends every question to HR can overwhelm the function and leave employees waiting. Unlimited managerial discretion creates a different risk.

Define authority for common decisions, including scheduling, discretionary flexibility, performance feedback and development assignments. Identify triggers for referral, such as a possible accommodation need, a harassment allegation or a proposed material change to employment terms.

Set response expectations that the organization can meet. The manager should acknowledge the issue, identify the next step and provide a realistic update date. If the decision takes longer, explain the delay and consider appropriate interim measures.

HR should review its own service. If managers routinely wait weeks for advice, the employer can't attribute every delayed response to poor leadership. Common questions may justify clearer guidance, additional specialist capacity or changes to the approval structure.

Require explanations without exposing

confidential information

A decision record should show the relevant facts, criteria, advice and outcome. It needn't become a long narrative, but it should allow an authorized reviewer to understand what the manager considered.

Separate observation from inference. An employee missed a defined deadline is different from an employee isn't committed. The latter may be a conclusion unsupported by the actual work. Records written in factual language support better decisions and make later review more reliable.

Keep information in the appropriate system with access limited by role. Accommodation and other sensitive records need the applicable protections; they shouldn't become material for informal management discussions.

Employees should understand the reason for a decision about their work and the available route for review. That doesn't entitle them to confidential comparisons with colleagues. A competent manager can explain the relevant standard and its application without exposing another person's circumstances.

Make the standard apply to executives too

Managers watch what leaders reward. If senior executives praise constant availability, bypass agreed criteria or expect favourable exceptions for preferred employees, a leadership course won't establish consistent practice.

HR should use the same decision expectations at senior levels. Ask leaders to explain the operational rationale, relevant evidence and authority behind consequential choices. Apply appropriate review when the concern involves the manager who would normally receive the complaint.

The employer must also provide feasible workloads and useful support. A supervisor with excessive demands may rush decisions even when they understand the correct process. Address that condition while retaining accountability for conduct and escalation.

Fair management doesn't mean every employee receives the answer they want. It means the decision follows a defensible process, respects applicable rights and can be explained by someone who understands the work. That is a more useful leadership promise than a commitment to be empathetic without specifying what the employer expects when the answer is difficult.