

From: O'Brien, Jan [Jan.O'Brien@bcgeu.ca]
Sent: Monday, June 25, 2007 11:20 AM
To: The Munroes
Subject: RE: constructive dismissal

Warren:

We are unable to provide any further information to the arbitrator at this point. The hearing on Friday dealt with only one issue: whether you had deviated from the collective agreement by writing to the Deputy Minister on four occasions.

I will now address the points raised in your e-mail. Regarding point one, there is no issue around the timeliness of the dismissal grievance. The employer is not arguing that the grievance should be dismissed because of the timing of the grievance.

Regarding point two to eight, these issues all relate to the merits of your grievance. The arbitrator does not consider any of those points in deciding whether your grievance should be dismissed at this stage. The only thing he is looking at is the impact of you writing to the Deputy Minister. He is deciding whether or not the grievance should be dismissed without looking at the merits.

The way that a dismissal arbitration works is that the Employer goes first and sets out its case. Then we reply. In this case, we had to deal with a preliminary issue (deviation from the collective agreement) before we get to the merits. If there had been no preliminary issue then the employer would have called their witnesses. When they were finished, we would have made our opening then called our witnesses. As I told you before, once we know whether or not we have a grievance to pursue, I will continue the investigation of your grievance.

I hope this answers your questions.

Jan O'Brien

Staff Representative

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