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Labour Relation Board (BC)  
600 Ocean Plaza, 1066 W. Hastings  
Vancouver, BC

Re: Employment, quality of Public Service, training, harmony, cooperation, discrimination, harassment, procedures, deviation, human rights, misuse of managerial/supervisory authority, duplicity, scope of investigation, fairness of representation, dismissal, denial of courses, mediation, and arbitration.

To whom it may concern,

Please consider this letter to be a formal request for relief in the form of a mandamus / continuance to allow arbitration / fair hearing before an appropriate impartial board / tribunal, with fair representation, on grounds regarding differences / violations of: the 13<sup>th</sup> Master Agreement between the Government and the Union (BCGEU); the Public Service Act (BC); the Labour Code (BC); the Human Rights Code (BC); the Charter of Rights and Freedoms (Canada) including the following:

I contend that my allegation of harassment and discrimination was not dealt with appropriately by the Employer and the bargaining agent in contravention of the Master Agreement, Article 32.15 Paragraph 3,

“Where the allegation is based on a matter for which another dispute resolution mechanism exists, then this process shall not be utilized.”

I contend that the discrimination I was subjected to, including: being denied training to promote harmony and cooperation as well as mediation; harassment for reducing error, time and cost; racial slurs; and dismissal was in contravention of the Public Service Act Section 2,

“The purposes of this Act are to (a) facilitate the provision of service to the public in a manner that is responsive to changing public requirements, (b) recruit and develop a well qualified and efficient public service that is representative of the diversity of the people of British Columbia, (c) encourage the training and development of employees to foster career development and advancement, (d) encourage creativity and initiative among employees, and (e) promote harmonious relations of the government and employees and bargaining agents that represent employees in the public service.

I contend that the accusations, and acceptance of the accusations, that I have a mental / behavioural disorder and that I made a co-worker, revised in June 2007 to two female co-workers, fear for their safety, and the mock firing were an attempt to coerce, threaten, and intimidate me, because I would, and eventually did, file a complaint, and was about to

participate in proceedings covered by the Labour Code, in contravention of the Labour Code, Section 5 (1):

“A person must not (a) refuse to employ or refuse to continue to employ a person, (b) threaten dismissal of or otherwise threaten a person, (c) discriminate against or threaten to discriminate against a person with respect to employment or a term or condition of employment or membership in a trade union, (d) intimidate or coerce or impose a pecuniary or other penalty on a person, because of a belief that the person may testify in a proceeding under this Code or because the person has made or is about to make a disclosure that may be required of the person in a proceeding under this Code or because the person has made an application, filed a complaint or otherwise exercised a right conferred by or under this Code or because the person has participated or is about to participate in a proceeding under this Code”.

### **Background/Overview**

I received a Master of Arts degree in Geography specializing in migration and statistics from Carleton University in 2001. (see reference letter, exhibit 1)

I applied for a full time regular position with the Provincial Government of BC, BC Stats, Ministry of Labour and Citizens’ Services, as a Population Analyst (N24) and expert in migration in July 2001.

I was offered the position in December 2001; however, the position changed to that of an auxiliary position; therefore, I paid for the move from Ottawa.

I was employed from January 14, 2002 to February 15, 2006, when I was suspended by BC Stats.

In April 2002, after I told the then manager that I would be accepting an offer of a research position as part of phd studies at the University of Calgary, I was offered, and accepted, the full time regular classification.

I was officially dismissed for insubordination in April 2006.

**Summary** of the facts and acts that form the grounds for my request to allow arbitration before an impartial tribunal with fair representation, to proceed. Details available on request.

**January 2002 to March 2005:** My contributions that reduced error, time, and cost were met with increased antagonism from my co-workers, especially after an employee (of approximately twenty years) was appointed to be the Manager (2004). Also, there were many racial slurs made by the Manager toward First Nations people and people with mixed European / Aboriginal ancestry. Nonetheless, my Employee Performance and Development Plan (EPDP) showed that I met and exceeded expectations, and my initiatives were successful, exhibit 2.

**March 7, 2005:** I was given two pamphlets, one regarding counseling, and the other on ethics, and told by the new manager that he did not “have time to make this formal” and that it would take “too much paper work”, in contravention of the Labour Code 5 d.

**March 8, 2005:** I requested a meeting with the manager, with the shop steward present, and requested efforts be made to work towards creating a positive work environment, as per the Master Agreement Article 8.2, step 1 of the grievance procedure,

“In the first step of the grievance procedure, every effort shall be made to settle the dispute with the designated local supervisor. The aggrieved employee shall have the right to have their steward present at such a discussion”.

and the Public Service Act purpose and the Labour Code purpose (exhibit 3).

**March 16, 2005:** The Manager told me to write an article based on an incorrect dataset. He reviewed the article and told me to give it to the Director. It was returned, covered in heavily applied, large red X's. I asked to meet with both the Director and the Manager to suggest that the column headings in the wrong dataset be corrected so that the error would be caught next time. The Director said “maybe” the column headings would be changed.

**July/ August 2005:** After months of increased antagonism, false accusations and reprimands including more yelling for no justifiable reason, and reduced responsibility, I requested assistance from the Director, who told me to “do what you are doing, persevere or move on”. I also appealed to the BCPSA and the BCGEU, including these excerpts from emails,

“Is there assistance available to help create a positive, supportive, inclusive, and improvement-focused work environment?” July 12, 2005, Exhibit 5.

“My main interest is not to highlight deficiencies, but rather to find ways to promote a positive work environment.” August 22, 2005, Exhibit 6, pg 3

“I want to make sure that this proceeds in as non-confrontational an approach as possible while working towards as constructive a solution as possible.” September 7, 2005, Exhibit 6, pg 7

I also asked for team effectiveness training, work place skills courses and advocated project planning courses (which I had taken) for the section. Exhibit 4, 5. The Manager told me that these courses would only “make things worse”.

**September 16, 2005:** My request for the course on Labour Relations, “to improve and enhance workplace environment and relationships”, was denied by manager, Dave O’Neil, (see email, Exhibit 8) who stated

“I’ll have to say no on taking the course, as it’s not really relevant to what you were aiming for.”

in contravention of Public Service Act purpose Section 2 to

“(c) encourage the training and development of employees...and (e) promote harmonious relations of the government and employees.”

**September 28, 2005:** I resubmitted an article, not published in 2004, that the manager told me the Director said was “poorly written” and “missing important data” (which was not missing) when the manager was away. The article was accepted and published, exhibit 9.

This act by the Ministry management, to not publish a regular release, was in contravention of the Public Service Act purpose,

“The board and other persons who exercise powers and perform duties under this Code must exercise the powers and perform the duties in a manner that facilitate the provision of service to the public...”

Comment: I contend that an effort was being made to discredit me as an Analyst and as a team player.

**October 13, 2005:** At a meeting with Carol Gore (BCPSA), Cathy McCallum (BCGEU), and the Manager, I read from a prepared statement, as directed by Ms. McCallum, (exhibit 10).

The manager became very upset, accusing me of lying and something to the effect of having “a mental/behavioural disorder that made it impossible for my co-workers to work with me, and that they had tried to work with me, but it didn’t work, and that one co-worker now feared for her safety”.

Carol Gore ended the meeting saying something to the effect that “the BCPSA and the Union would utilize another procedure”.

After the meeting, Ms McCallum told me that she agreed with the manager who had been a shop steward for many years and worked on Article 29 for the BCGEU.

**October 2005 to December 2005:** While waiting for these accusations to be addressed by the BCPSA and the BCGEU, I was told by the shop steward, in contravention of the Labour Code Section 12, the most positive thing to do would be to quit, and that my co-workers were concerned for their safety.

I was denied another course regarding Labour Relations (exhibit 13 pages 4, 5); given co-workers menial tasks, (exhibit 14, pg 2, 3); taken off the contacts list (exhibit 14, pg. 8); and taken off the last project I was responsible for (see exhibit 14 pages 7, 8), while my co-workers were solicited for letters against me, to be sent to the Director and the Union.

**Comment:** I contend that the accusations regarding “fear for safety” are being used as a threat to avoid addressing the real matter of the dispute.

**November 3, 2005:** I was told by the shop steward to submit a letter to the Director as well. I requested mediation in an email to the Director (exhibit 12),

“Here is an example of the resources being made available to help ‘facilitate the acquisition of the awareness and skills to seize the opportunities for personal and organizational growth that conflict provides’  
[www.viha.ca/conflict\\_management/](http://www.viha.ca/conflict_management/)”

**November 17, 2005:** I was not allowed to take a labour relations course through the BCGEU; instead, I was given a co-workers menial tasks (exhibit 14 pages 2, 3).

**November 21, 2005:** I sent an email to the shop steward regarding the labour relations course Cathy McCallum had signed me up for in September. She knew that I was not a shop steward but said that this course would be helpful for anyone in the Union, and that the more people who knew how the Master Agreement works, the better, (exhibit 13 pages 4 to 8),

“A couple of weeks ago, when I recieved (sic) a letter from the BCGEU about the upcoming course, I informed you and let you know that I was told (by Cathy

McCallum) that members who are not shop stewards are allowed to take the course.

Last Thursday (Nov. 17th), I was told by the section manager and yourself that the course was to be only available to shop stewards. I called the BCGEU and asked that Cathy McCallum give me a call but having not heard from her, I called the union to ask that if it was inappropriate that I take the course, that I would bow out this time around. I called again this morning but have yet to hear from Cathy McCallum.

I find these circumstances to be awkward (sic) to say the least. The section manager, who has displayed time and again intimidating and antagonistic behaviour has said that I tried to sneak into the course by lying that I am or was a shop steward. At the same time, it appears that Cathy McCallum and the secretary were wrong about allowing members who are not shop stewards to take the course, or that in a more sinister note, that I am being single out to not be allowed to take the course.”

**December 1, 2005:** On the day that my last project was folded (exhibit 14),

“As for your work on eStats to formalize a process, please don't bother ... there is no longer a need for eStats development.”

Comment: After I was fired, this project went on to win an award for innovation in another Ministry.

I complained about the continued harassment and discrimination in an email to the Director, the shop steward and the BCPSA representative (exhibit 16, page 1),

“I consider the actions of Dave O'Neil, the manager of the Population Section, to have been, and to continue to be an effort towards a constructive dismissal.”

“My efforts to find a positive solution to the personal harassment has been meet with reprimands from the manager. My requests to be treated with civility and decency have not been heeded.”

“I feel it necessary to raise this issue again because the intolerable work environment not only affects me personally both at work and at home, but it is also affects the work.”

Later that day, I was told by the Director in an email (exhibit 16, page 1) that my email was considered to be a formal complaint of misuse of managerial authority,

“I am obligated to interpret the allegations as a formal complaint of misuse of managerial authority under Article 32.15 of the Master Agreement.”

“I would like to point out that both the Employer and the Union view complaints under this clause as being of an extremely serious nature. I encourage you to review the provisions of Article 32.15 covering the potential escalation of the complaint to the Deputy Minister, as well as 32.15(f), regarding the potential outcome of allegations found to be ill-founded.”

Comment: This “obligation” and recognition of an email as a formal complaint, set a precedent for the proceedings; therefore, my letters (May 2006) disputing being

dismissed for just cause should have resulted in timely arbitration into the real substance of the matters in dispute. Also, my previous correspondence requesting courses and mediation should have been heeded, as per Labour Code Part I Section 2 (h) which,

“encourages the use of mediation as a dispute resolution mechanism.”

**December 5, 2005:** In another email to the Director and the Shop Steward (exhibit 16, page 2), I insisted that this was a case of discrimination and harassment, where I had been accused of having a mental disorder and making a co-worker fear for her safety,

“I have had a chance to read Article 32.15. Again thank you for letting me know how you wish to proceed with my concerns.

There are two points that I wish to clarify at the outset.

The Article 32.15 refers to a 30 day limit. This is not long enough to address my concerns. The events in question cover a much longer time frame. Indeed, I have been drawing attention to the problems in the Population Section for over a year. Therefore, it is necessary to include all relevant information since I started working for BC Stats.

Also there is no mention of possible motives for the harassment on the part of the manager Dave O'Neil.

I draw attention to this because Dave O'Neil accused me of having a mental problem which makes me incapable of team work.

It is because of this mental disability, he contends, that my co-workers are not willing to attend meetings with me.

Indeed, my mental disability is so bad, I have been told, that my co-workers fear for their personal safety, and this is why my co-workers and the manager (Dave) have been going for coffee together without inviting me for over a year, even though I have asked many times to join them.

I contend that this assertion by the manager, that I have a mental problem, has been used to deflect attention away from his role in having created a negative work environment. When I have asked to be treated fairly, the manager has reprimanded me. When I asked for team effectiveness training my manager has said that I have a mental problem.

Regardless, I feel strongly that the manager (Dave) should not use this contestable mental problem as a reason to discredit me and to treat me with disrespect.

I have been asking for team effectiveness training with the view that it would be helpful for myself and agree it would be helpful for all of us, as I have seen how incredibly skillful facilitators came (*sic*) be.

I therefore want to make sure that it is clearly understood that my contestable mental disability has been used by my manager Dave O'Neil to discriminate against me.

Also, to date the BCGEU has not been representing me adequately, but rather have been siding with the manager (Dave) because he was a shop steward for the BCGEU.”

**December 5, 2006:** Don McRae replied (exhibit 16, page 3, 4)

“Warren, in your e-mail of Dec 1 a number of allegations were made re Dave's misusing his authority as manager. You go on to say at the end: "My requests to be treated with civility and decency have not been heeded", indicating that you feel that the alleged abuse is current and on-going, hence the reason why I want to get to the bottom of it ASAP. However, in your response below you indicate that you want to proceed under Clauses 1.7 (Human Rights Code) and 1.9 (Discrimination). Does this mean that you are dropping your complaint of misuse of managerial authority under Article 32.14 (sic)?”

**December 5, 2006:** In another email to Don McRae and Marvin Paxman, (exhibit 16, page 3), I state that the grievance includes discrimination,

“I have had a chance to speak with the union representative and we are both ready to meet as soon as possible.

However, the provisions under Article 32.15 do not adequately address the situation.

I want to make sure that it is clearly understood that my contestable mental disability has been used by my manager Dave O'Neil to discriminate against me.

This must be taken into consideration because this contention has been used to justify my continued exclusion and isolation in the section.

I therefore am making a complaint of discrimination and choose to proceed in reference to Article 1.9.

I look forward to proceeding at the earliest possible time once the correct procedure has been agreed upon.”

**December 6, 2005:** I again proposed training to promote harmony, cooperation & mediation as a remedy to the Director, the shop steward, and Carol Gore from the BCPSA in an email (exhibit 16, page 4),

“Here is something interesting along the lines of what I have been requesting.....  
<http://www.bcpublicservice.ca/learning/wpskills.htm>”

Later that morning, at a meeting in a BC Stats Board Room, with the Director, the BCPSA representative, and the shop steward, I was told that I was required to prove that I have a mental disorder to utilize the human right procedures. The Director, Don McRae asked me directly if I had a mental problem.

Carol Gore assured me that Article 32.15 was essentially the same as Article 1.9, and that the misuse of authority procedure is to be used if I could not prove that I have a mental problem.

Comment: I contend that the imposition of the use of Article 32.15, purposefully limited the scope of the investigation and was a deviation from the Master Agreement Article 32.15 Paragraph 3,

“Where the allegation is based on a matter for which another dispute resolution mechanism exists, then this process shall not be utilized.”

The Employer, the BCPSA and BCGEU representatives should have been aware of the School District No. 44 (North Vancouver) v. Jubran, 2005 BCCA 201 ruling from the Court of Appeals. The discrimination was in contravention of the BC Human Rights Code Sections 4, 13, and 14.

**December 9, 2005:** Change in tasks. I was told to no longer provide Don McRae with monthly migration numbers as soon as they are available in an email from the manager,

“McRae says that the order of this data dissemination should be that you give the table/map to me, I check it out, discuss if necessary, then pass it on to him.” See Exhibit 14, page 8.

Comment: The numbers from the BC Stats monthly migration model were extremely unreliable, often out by thousands with the opposite sign (positive or negative). I was asked to fix the monthly migration model, which I did, so that for the first time in BC Stats history the revised model accurately reflected Stats Canada’s results. Don McRae made a point of having me deliver the monthly migration numbers directly to him, as well as the Manager, as soon as they were available up to this date.

**December 12, 2005:** I was told, by the director at a meeting with the shop steward and the BCPSA representative, that there was no misuse of managerial authority; therefore, there would be no resolution.

After this meeting, I asked the shop steward many questions about what was stated by the Director. He replied on December 20, 2005.

**December 13, 2005:** The manager kept my name off his out of office auto email reply,

“I will be out of the office today, December 12. For population/demography inquiries please contact Frank Ip at 387-0336 (Frank.Ip@gov.bc.ca) or Jennifer Hansen at 387-0337/Jennifer.Hansen@gov.bc.ca, and for mapping/geography questions contact Pat Bluemel at Pat.Bluemel@gov.bc.ca. Please check our 'Contact' list on our web site (www.bcstats.gov.bc.ca) for other staff contact info.” (exhibit 14, page 8).

**December 20, 2005:** I was told by the shop steward, Marvin Paxman, in an email, (exhibit 13 pages 9 to 12) that the director said that two issues had been raised,

“1. Dissatisfaction in the unit: “management is working on finding a proposed resolution, management hopes to have a proposal early in the new year, this matter is of importance but is separate from the grievance regarding misuse of managerial authority, as a separate matter from the grievance, there are no time limits to consider, the matter will be dealt with as quickly as possible”

“2. The allegation of misuse of managerial authority: “the proposed resolution is that no action is to be taken and the matter is to be considered closed because this matter was in response to a grievance, this constitutes the proposed resolution under article 32.15(a)”.

“I asked about their ruling with regard to the accusation by Dave (in the meeting with Carol Gore and Cathy McCallum [October 13, 2005]) that you were "passive aggressive". Mr. McRae said they found that that incident did not constitute a misuse of managerial authority. When Dave was questioned about it, he acknowledged the remark and said it was a comment on a behavioural problem or issue and not a mental one.”

“Mr. McRae indicated further that he has no issues with Dave's performance as a manager” and that “the action or behaviour was not outside of proper managerial authority”

“I also asked about any resources for counseling available to employees that management might be aware of. So far there is nothing that they are aware of that can be applied to this situation”

Comment: The proper procedures to address having a mental/behavioural disorder and making female co-workers fear for their safety should have been addressed. I had insisted on references to Articles 1.7, 1.9, (33 also has relevance) to address harassment and discrimination which could, and should, have been applied to this situation.

**January, 2006:** I had thirty days with an extension to submit a grievance to the Deputy Minister, if a resolution were not agreed upon. I made many unsuccessful requests for resolution, including these excerpts from emails to the BCGEU on January 4 and 27, 2006 respectively (exhibit 17),

“It is my hope that we are all (manager and employees) able to address team building as soon as possible.”

“It is my sincere hope that the employer will agree to assist in creating a positive work environment...”

The BCGEU staff representative referred to my requests for a resolution, rather than proceeding with the grievance to the Deputy Minister, as a “trap” and did not provide me with a form as I had requested (exhibit 17, page 8).

**January 30, 2006:** I personally submitted a description of the dysfunction in the Population Section, referring to Article 32.15 as required by Management, the BCPSA, and the Union because I could not prove that I had a mental / behavioural disorder, to the Deputy Ministers’ office on the last day allowed, to meet the extended time limit. The BCGEU made a submission two days late which was not provided to me.

Comment: I was not reprimanded, or told that I could not make this submission, nor told that by making this submission I had deviated from the Master Agreement; therefore, a precedent had been set whereby I could make a submission directly to the Deputy Minister. Eventually, I was found guilty of deviation from the Master Agreement for having written to the Deputy Minister, and therefore, was denied arbitration.

**February 7, 2006:** In the lunch room, I requested team effectiveness training again, but the manager, who just returned from vacation, said that there would not be any courses as there was no need. In an email to me (see exhibit 21 page 3) he stated,

“...you have been spending time on researching team effectiveness/dynamics issues. ... I did not provide you with any instruction or approval to engage or spend time on this activity”

**February 10, 2006:** I sent an email to the Director pleading for help. In Response the Director came to my office. The following are notes that I made immediately after the Director left my office (exhibits 22 and 23).

“You [the Director] have said that there will be no effort made toward team effectiveness training or mentoring until the grievance (Article 32.15 ) has taken its course.

I offered to drop the grievance in favour of an constructive solution if it were forthcoming. Also, I did not intend that my request for help [July 2005] would result in the grievance procedure but rather I had always wanted to pursue a positive solution.

You replied that my offer to drop the grievance did not matter because the grievance had been taken up by the union.

I offered to call the union to drop the grievance if there were [*sic*] going to be an effort made to address the dysfunctionality. Also, it is important to address team work because the section is dysfunctional and that I too could also learn.

You replied that you were not suggesting that this be done.

I said that I had two options then, either to quit or to move to another part of the government where my talents could be used. I described how I may not be considered a good person to work with because of the difficulties in the section, but that I have shown that I can work with people effectively using the estatsBC project as an example.

You had to leave because work had to be done on another project, time was short and I offered to discuss this next week if you had the time.”

Comment: What was separate, (the dissatisfaction and misuse of authority, see December 20, 2005) were now considered joined, pointing to a deviation from, and the arbitrary application of, the procedures in the Master Agreement.

**February 15, 2006:** I was ordered to attend a meeting with the Manager and the co-worker he said had made the accusation of fearing for her safety.

These meetings were moved ahead by one month. They were normally held towards the end of March once the 4th quarter population data is released from StatsCan.

With the shop steward present, I insisted on mediation before meeting this co-worker, but this was refused.

Instead, I was told to close my window, leave my computer on, turn in my security pass and vacate the building. The shop steward helped me carry my belongings out.

The shop steward and I thought that I had been fired. While I was packing, the shop steward returned to say “good news, you were not fired” and something to the effect that “the manager could not do this, but that someone else would have to fire me”.

Comment: I now realize, after having read many Acts, Codes, and the Charter, that the manager as well as the shop steward were aware that I could not be fired by the manager. This incident can reasonably be seen as an effort to threaten me with a dismissal because I was pursuing a resolution by proceeding with the grievance, in contravention of the Labour Code Section 5 (1):

“A person must not (b) threaten dismissal of or otherwise threaten a person, (c) discriminate against or threaten to discriminate against a person with respect to employment or a term or condition of employment or membership in a trade union, (d) intimidate or coerce or impose a pecuniary or other penalty on a person, because of a belief that the person may testify in a proceeding under this Code or because the person has made or is about to make a disclosure that may be required of the person in a proceeding under this Code or because the person has made an application, filed a complaint or otherwise exercised a right conferred by or under this Code or because the person has participated or is about to participate in a proceeding under this Code”.

If safety was truly a concern, the allegation should have been addressed (as per Article 22.4 or 1.9); otherwise, the allegation was simply an attempt to threaten, intimidate and coerce.

**February 21, 2006:** At a meeting with the Director, the manager, the BCPSA and BCGEU representatives, I was ordered to return to work with no resolution. I requested mediation, a transfer (exhibit 48, 49 page 1), or to be able to sit on a committee to address difficulties at the earliest possible time. These were refused and instead I was offered personal counseling to address what the Director referred to as “your problem” (exhibit 26, 29, 30, 32). I refused to return to the intimidating and antagonistic work environment without mediation.

**February 24, 2006:** In a letter to the BCGEU, the Deputy Minister supported the Director, finding that the investigation was “thorough and sound” and “I do not see any evidence of “misuse of managerial/supervisory authority”.” (exhibit 25).

Comment: This statement highlights the inadequacy and the duplicity in the use of Article 32.15 and the importance of adhering to 32.15 paragraph 3. The Employer and the Union covered up my continued allegations of discrimination and harassment by ignoring my insistence on utilizing 1.9 proceedings, and ignoring Article 32.15 paragraph 3. Instead, the Employer and the Union imposed the use of 32.15 procedures, which they acknowledged did not address the situation (December 20, 2005) where they accepted as fact, the allegation that I have a mental / behavioural disorder that made it impossible for people to work with me and that I made two female co-workers fear for their safety. I contend that the allegations were an effort to threaten me because I was about to participate in a proceeding under the Master Agreement and the Labour Code.

**February 28, 2006 to March 28 2006:** Arbitration should have started but instead, the Director contacted me directly by letters and phone, ordering me to return to work and accept the current working conditions, or I would be dismissed (exhibits 26 to 35). The Director informed me that he had made the offer of personal counseling “formal”, (to address what he referred to as “your problem”) exhibit 30, and that all I would have to do

is attend and do as I was directed. These correspondences were again deviations from the Master Agreement Article 8.10,

“(a) The Employer agrees that, after a grievance has been initiated by the Union, the Employer's representatives will not enter into discussion or negotiation with respect to the grievance, either directly or indirectly with the aggrieved employee without the consent of the Union.”

The BCGEU was not aware of these correspondences,

“I spoke with Marvin Paxman on March 2, 2006. He informed me that, subsequent to your suspension which commenced February 15, 2006, you have received additional correspondence from the Employer regarding your return to work. This office has not received copies of any of the correspondence to date”

Comment: I consider these deviations: the use of an intimidation; threats; discrimination; in combination with the denial of courses; the use of incorrect procedures (contrary to Master Agreement Article 32.15 (3); the repeated, randomly applied, prohibited, correspondences, by mail and phone, (contrary to Article 8.10 (a)) emphasizing “your problem” to have continued to create disharmony and exasperate the relationship, and can reasonably be seen as displays of egregious bad faith with the intention to inflict nervous shock and emotional distress.

**April 28, 2006:** I received a registered letter directly from the Deputy Minister (exhibit 36), again a deviation from the Master Agreement Article 8.10 (a), dated April 11, 2006, stating I was dismissed for insubordination and just cause.

“Your dismissal was recommended [by Don MacRae] as a result of your insubordinate behaviour, your failure to follow direction, and your failure to accept any responsibility for what you perceive as a dysfunctional workplace.”

Comment: The similarity between the incongruous methods used to create population numbers, and the methods used to create work environments in the Ministry of Labour and Citizens' Services signifies a departure from reality that warrants an inquiry.

**May 1, 2006 to June 2006:** I disputed being dismissed for just cause (exhibit 37 to 49).

Comment: These letters, sent in compliance of Article 8.9 alleging discrimination on grounds covered by the BC Human Rights Code were not considered to be formal complaints as had been the case in December 2005. Instead, they were at first ignored in contravention of Article 8.9, and eventually I was found guilty of deviating from the proper procedures for informing the Deputy Minister on time as per 8.9.

**July 3, 2006:** I filed a complaint of unfair representation, with a cheque for \$100 to the LRB, (exhibit 50 (email) and 51 (section 12 complaint)), which has been ignored in contravention of Labour Code Section 13.

**July 11, 2006:** I received, for the first time ever, a grievance form, which I filled in and returned immediately, (exhibit 53). Later, my diligence in returning this form was used to imply that I filed my grievance three months late, (exhibit 91).

**July 17, 2006:** I was told by the LRB, that all Union internal appeals had to be exhausted first (exhibit 54).

**July 2006 to June 22, 2007:** Dozens of letters emails and phone calls to the LRB, and the Union (exhibits 46 to 77) led to a preliminary hearing to face two charges: 1) not meeting time limits, i.e., not informing the Deputy Minister within time limits; and 2) deviation, i.e., by informing the Deputy Minister within time limits, I had abandoned arbitration.

**August 22, 2006:** I sent a letter to the new Deputy Minister, cc to the BCGEU President and the LRB, regarding the grievance and Population Analyst job being posted. See exhibit 59, wherein I ended by saying ,

“I look forward to finding a constructive resolution to this issue.”

**September 15, 2006 :** Deputy Minister sent a letter to me dated September 13, 2006, see (exhibit 60), stating,

“...I am advised that by writing me, asking that I find “a constructive resolution to this issue” you risk having your grievance considered abandoned.”

In contravention of the Public Service Act purpose to encourage harmony, and the Labour Code, to encourage mediation and co-operation.

**December 5, 2006:** I submitted a complaint of a human rights violation to the BC Human Rights Tribunal on the grounds of Political Belief (democrat), Place of Origin (rural Canadian), Ancestry (European/Aboriginal), Age, and Sex, (older male), as well as being results oriented and innovative.

**December 18, 2006:** BC Human Rights Tribunal denied my request. I replied asking why references to ancestry were missing in the reasons for rejection (exhibit 66, 67).

**January to May 2007:** I sent many letters to the BCGEU regarding proceedings (exhibits 70 to 77), including examples of the use of non-statistical and sub-standard methods and models used to create population numbers, and examples of racial slurs.

**January 16, 2007:** I received a phone call from Jan O’Brien, BCGEU Advocacy, a former Vice Chair for the LRB, saying that Human Rights complaints have to be pursued by individual members without the Unions’ representation.

I replied by letter asking about the refusal to represent me on a Human Rights grievance and informed Ms. O’Brien that the Director, and the BCPSA did not allow me to use the Human Rights procedure in December 2005 (exhibit 68),

“Please be aware that it was the Director who told me that I was to proceed with an Article 32:15 (December 2006(sic)). I requested that the Human Rights clauses (Article 1.9) be used to address the situation but this course was denied by the Director and by the Human Resources representative Carol Gore. I have stated many times throughout this search for fair treatment that the Article 32:15 was not sufficient to deal with the negative work environment.”

**January 19, 2007:** I received a reply from the BC Human Right Tribunal, again with no explanation regarding ancestry, requiring me to seek a judicial review (exhibit 69).

**January 23, 2007:** At a meeting, Ms. O’Brien said that I could trust the BCGEU now.

**May 17, 2007:** I sent a letter to Ms. O’Brien of the BCGEU regarding discrimination against people with mixed European and Aboriginal ancestry, (exhibit 76),

Comment: I contend that people from rural Canada with mixed European and Aboriginal ancestry, as well as people who are results oriented and innovative, should not be refused continued employment and also deserve fair and equitable treatment and representation. The use of the proper procedures would have allowed these issues to be addressed in a manner befitting the Public Service Act, the Labour Code, the Master Agreement and the Human Rights Code, which should not be confused with coercion and subjugation.

**June 8, 2007:** At a meeting, Jan O'Brien agreed that I did grieve on time and that informing the Deputy Minister is acceptable. However, she did try many times to have me drop my case in favour of money (\$4,000) and offered to make my resume look good. She described me as a square peg trying to fit in a round hole. Nonetheless, at the end of the meeting, she agreed that I am a Canadian too and deserve fair treatment and representation.

**June 22, 2007:** Just before the preliminary hearing, the charge regarding timeliness was dropped, and the BCPSA claimed that I deviated from the Master Agreement, focusing on the letters I sent to the Deputy Minister, following procedures in the Master Agreement Article 8.9,

“In the case of a dispute arising from an employee's dismissal, ... the grievance may be filed directly at arbitration, with a copy to the BC Public Service Agency and the Deputy Minister of the appropriate Ministry, ... within 30 days of the employee receiving such notice”.

as a deviation from the Master Agreement Article 8.10 (b),

“In the event that, after having initiated a grievance through the grievance procedure, an employee endeavors to pursue the same grievance through any other channel, then the Union agrees that, pursuant to this article, the grievance shall be considered to have been abandoned.”

At this preliminary hearing, before the “dependant” Arbitrator (please be aware that this person is chosen from a selected list and can be removed if the BCGEU and the BCPSA so wish, as per Article 9.2 (c)), the lawyer for the BCPSA accused me of making two female co-workers fear for their safety and threatened me with financial losses if I pursued arbitration in contravention of the Labour Code Section 5.

“A person must not (d) intimidate or coerce or impose a pecuniary or other penalty on a person because of a belief that the person may testify in a proceeding under this Code or because the person has made or is about to make a disclosure that may be required of the person in a proceeding under this Code or because the person has made an application, filed a complaint or otherwise exercised a right conferred by or under this Code or because the person has participated or is about to participate in a proceeding under this Code”.

The contract lawyer hired by the BCPSA to represent the Ministry of Labour and Citizens' Services also accused me of many other deficiencies (for close to one hour) including being confrontational, and bad at my job (in contravention of Article 10.5 d),. The BCGEU did not address the serious accusations. The BCPSA contracted lawyer insisted that this was NOT A HUMAN RIGHTS CASE and the meeting ended abruptly. Exhibits 78, 79.

Comment: The charge was duplicitous: timeliness, and Human Rights, should have been clearly stated and handled separately.

**June 25, 2007:** I contacted the Union (exhibit 80) and the LRB (exhibit 82) requesting the proceedings stop until important information could be provided to the Arbitrator. This was denied by the BCGEU (exhibit 81)

“He is deciding whether or not the grievance should be dismissed without looking at the merits.”

...and the LRB information officer (phone call). Both told me to wait. The Arbitrator had the option to ask further questions but did not.

**October 2, 2007:** After 100 days, well over the time limit, the dependent Arbitrator decided that I deviated from the Master Agreement 8.10 (b) by writing to the Deputy Minister as required by Article 8.9(a); therefore, I was denied arbitration referring to the real substance of the matters in dispute, in contravention of the Labour Code Section 82 2, 1, an arbitrator

“ must have regard to the real substance of the matters in dispute.”

The BCGEU continued to not want to address the Human Rights violation. In an email, Jan O’Brien wrote,

“..you have mentioned that you believe you have a human rights complaint regarding your dismissal. The Union’s role in your dismissal is limited to representing you in your grievance. The Union will not be representing you in any other actions against the Employer outside of the grievance procedure.”

“I wish you well in your new endeavours.”

Comment: The actions and statements made by the BCGEU representatives can reasonably be seen as being deceitful, and unfair to the extent of compelling a person to refrain from being a member of the Union, in contravention of Labour Code Section 9,

“A person must not use coercion or intimidation of any kind that could reasonably have the effect of compelling or inducing a person to become or to refrain from becoming or to continue or cease to be a member of a trade union”.

**October 19, 2007:** I submitted a request to the LRB to have arbitration proceed. Their information officer told me in a phone call that the time limit to file a complaint against the Union had passed, even though he told me (June 2005) to wait for the Arbitrators’ decision. Jan O’Brien was a Vice Chair for the LRB involved in setting up LRB interpretations.

**July 2, 2008:** After 8 months, well over the practice guidelines (4 months), I received a letter from the LRB dated June 19, 2008 supporting the decision by the Arbitrator denying arbitration that would address the real substance of the matters in dispute. The paper form that was sent by mail to me three months late was considered the initiation of the grievance highlighting the duplicity in the charge and the arbitrary and inconsistent application of the Master Agreement procedures. I was given 15 days to respond, but only to “substantive issues”.

Comment: In this decision, made after more than two years of procedural incompetence with no fundamental fairness, I was told that I was not allowed to speak to procedural issues any more, but rather, I was only to speak of substantive issues (because the LRB decided that the Director, the Deputy Minister, the BCPSA, the BCGEU, and the Arbitrator had already taken care of the procedures appropriately). This again signifies a departure from reality that warrants an inquiry.

**July 17, 2008:** I replied (without including a \$200 fee) that I would address this case as soon as possible.

**October 31, 2008:** The LRB sent me another letter.

Please be aware of Section 1.2 b of the Labour Code,

“a person does not cease to be an employee by reason only of ceasing to work as a result of a dismissal that is contrary to the Labour Code”

To date I have been studying many Acts, Codes, the Charter of Rights and Freedoms, as well as becoming acquainted with cases available on databases over the internet, and contacting lawyers.

For more details on facts, and for my formal statement regarding diligence, accusations, racial slurs, and exhibits please see [www.wminfomatics.com/WP/petition.html](http://www.wminfomatics.com/WP/petition.html).

Please tell me whether the Labour Relations Board 1) has the authority to consider this case, and if so, 2) will arbitration with regard to the real substance of the matters in dispute be allowed to proceed, and if not, 3) does the board consider that it exercised it's authority.

Please contact me if there are questions.

Thank you for your consideration of this matter,

William Warren Munroe

cc. BC Human Rights Tribunal