

**B.C. Government and Service Employees' Union**  
A component of NUPGE (CLC) [www.bcgeu.ca](http://www.bcgeu.ca)

*File No: 104047*

May 31, 2006

**PRIORITY POST**

Warren Munroe  
763 Beach Road  
Qualicum Beach, BC V9K 1S2

Dear Mr. Munroe

**Re: Grievance filed March 30, 2006**  
**Grievance # 104047**

The following is a synopsis of your grievance and a chronically dated background to what has taken place.

On December 1, 2005 you sent an email to your Employer in reference to a complaint you had at your worksite.

On December 20, 2005, you and your steward Marvin Paxman met with the Employer to discuss allegations in your email of December 1, 2005. ?  
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January 27, 2006, the Employer came forth with recommendations and your response was for the Employer to implement them no later than January 30, 2006. You requested specific instruction on who should attend, and you wanted confirmation of team effectiveness training courses made available, and that the manager also attend. ?

When I informed you the Employer's offer to do training was a good sign of addressing your concerns, you instructed me to advance your 32.15 complaint as per the Collective Agreement to the Deputy Minister which I did. *Not True* *Refused to Advise 06 Emails*

On January 30, 2006 you provided documentation for Part B of the Article 32.15 complaint.

February 10, 2006 the Employer acknowledged receipt of your complaint and it was advanced to the next step as per Article 31.25(b), and you were advised he would have a proposed response by March 3, 2006. ?

February 15, 2006 you refused to attend a meeting called by your Manager David O'Neil. You did not give the Employer a reason why you would not attend, but only repeated your previous allegations of misuse of managerial authority by Mr. O'Neil. You then left work. ?

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February 21, 2006, you were asked to explain why you refused to attend a meeting called by Mr. O'Neil, and you were directed to return to work. The Employer also offered you assistance through the BCEFAP program and also offered to fund professional mentoring/coaching to assist in addressing problems interacting with your Manager and coworkers. Your comment was "I'm not going to go back. Do what your have to do." You then left the building. ?

February 24, 2006 the Deputy Minister responded that there was no evidence of "misuse of managerial/supervisory authority," as you had claimed in your 32.15.

On February 28, 2006 you were suspended from work when you refused to attend another meeting, which you were directed to attend, in the company of your shop steward Marvin Paxman. A grievance was filed on March 30, 2006. Your steward Marvin Paxman was present, and also encouraged you to attend. It was also noted when the Manager tried to speak with you, you turned your back on him and asked him if he was "nagging you." After this comment and your refusal to attend the meeting you were suspended. ?

*This is incorrect dates/line!*

February 28, 2006 you received another letter from the Employer informing you of your suspension from work for five (5) days for refusal to attend a meeting when directed by your Manager and of the requirement to report to work at 8:30 am March 7, 2006. You did not report to work.

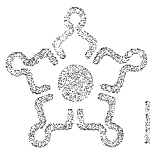
On March 2, 2006, Ms Ewing, BCGEU staff representative sent you a letter requesting correspondence you had to date and to suggest a meeting to discuss options as they related to the 32.15 complaint you had filed. You did not arrange to meet with Ms Ewing.

Your Steward Marvin Paxman called the Victoria Area Office and spoke with Jenny Ewing, another Staff Rep in reference to the events that were occurring. Marvin informed us that a letter was being sent to George Heyman, President of BCGEU, from the Director informing you to report to work, and that you informed Mr. Paxman you had no intention of returning to work. Marvin stated he made a strong last ditch effort to get you to compromise. Marvin also stated he spoke with you on the phone March 3, 2006 and you were feeling much better, looking for work, and knew that steps were being taken by the Employer towards your termination. Ms Ewing sent you a letter requesting you to contact her. There is no record that you did so, *to a point work place*

On March 4, 2006, I received a letter dated March 1, 2006 from you re your wrongful dismissal. In this letter you review your suspension history. You then state you would like to receive an apology from management and also to be compensated for your move from Ottawa in January 2002. At no time did you state you wished to file a grievance. *May 4, May 1, 2006*

March 8, 2006 you received a letter from your Employer referencing a letter you sent the Employer on March 6, 2006. You again refer to allegations that were investigated by the Employer and the results of the investigation were stated in the Employer's letter of February 24, 2006.

On March 9, 2006 the Employer sent you a letter informing you that a formal referral to the BCEFAP was being processed. The Employer indicated their concern that you refused to report to work based on claims of misuse of managerial authority that were investigated by the Deputy Minister of Labour and Citizens Services and a determination was made that they were unfounded. You continued to make reference to your claims of intimidation and harassment by your Manager. The Employer



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confirmed there would be an initial assessment and five counselling sessions provided. You were also notified that failure to attend would result in a recommendation to the Deputy Minister of Labour and Citizens Services for your dismissal. You did not attend.

A letter is received at the BCGEU March 21, 2006 and dated March 20, 2006 wherein you stated that you want to proceed with the grievance procedure. This letter was not addressed to me, or anyone else. You also requested reimbursement for moving expenses when you applied for your position several years ago. Included was a letter you had sent to Don McRae, and cc'd to George Heyman President of the BCGEU.

On March 22, 2006 I sent a letter to you and instructed you to contact me no later than March 31, 2006 in regard to you being suspended. I also included in this letter the time lines to file a grievance as per Article 8.9 must be followed and a grievance needed to be filed no later than March 31, 2006.

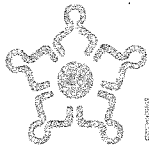
On March 23, 2006 this letter was successfully delivered to your home, as per Track a Package and Canada Post.

On March 30, 2006 a grievance was filed for your suspension. After reviewing your file and speaking with your steward Marvin Paxman, I was informed that you had not returned to work, and in fact refused. You were then directed to attend a meeting with your Manager on March 9, 2006 with your steward Marvin Paxman in attendance. You were then formally referred to BCEFAP, although previously you declined an offer by the Employer to address concerns.

On March 31, 2006 I received a copy of a letter you sent to Don McRae. In this letter you state you look forward to the day management finds the courage to admit its role in having created a negative, intimidating, and antagonistic work environment. Again this letter was not addressed to me.

On May 4, 2006 a letter was received at BCGEU dated May 1, 2006. I was not in the office May 4 or 5 or the week of May 8 to 12 as I was on pre-scheduled vacation. I was however notified on May 5 your letter had come and I asked my assistant Lynn Gudjonson to contact you. She tried on many occasions but your phone number was disconnected. Ms Gudjonson also contacted Marvin Paxman for a phone number of which was not in service. She was eventually able to track you in Qualicum and left several messages but you did not return her phone messages. In your letter of May 1, 2006 you were not clear on your direction. At no time did you state you wanted a grievance filed, but stated "*I would like the record to show that I dispute the dismissal and the just cause allegation.*" Your letter then goes on to say you wanted an apology from management and have the record show that you were wrongly dismissed, and to have compensation for your move from Ottawa when you took the position many years ago. You state the reasons you told the Director (February 13, 2006) why you could not attend the meeting previously mentioned and how you felt you were being treated unfairly. You also referred to your 32.15 complaint.

On April 6, 2006 I sent, Priority Post, a letter to you in regard to your suspension grievance, which was filed March 30, 2006 on your behalf by Marvin Paxman. In this letter I stated my reasons for not proceeding with your five day suspension grievance. I also stated that you were insubordinate for not returning to work at the direction of your Employer. In this letter I also stated your right to appeal my decision within 10 days of receipt of the letter. On April 24, 2006 the letter was successfully delivered and therefore you had till May 4, 2006 to appeal my decision to not proceed.



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On April 11, 2006 you were sent a letter from the Deputy Minister Gordon Macatee, indicating you were dismissed from the Public Service. ?

As per Article 10.2 Dismissal it states, "A Deputy Minister or any other person authorized in accordance with the Public Service Act, may dismiss any employee for just cause. Notice of dismissal shall be in writing and shall set forth the reasons for dismissal." As per the Employer's letter of your dismissal on April 11, 2006 you were directed to return to work on March 30, 2006. You did not report as instructed and therefore were dismissed for just cause.

As per Article 8.9(a) a dispute arising from an employee's dismissal, the grievance is filed at arbitration within 30 days of the date on which the dismissal occurred. You did not grieve your dismissal within this time period.

On May 18, 2006 I received a letter from you dated May 10<sup>th</sup>, 2006. You stated that you enclosed a copy of a letter sent to Gordon Macatee. In the letter addressed to Mr. Macatee, you state you would appreciate an apology for the wrongful dismissal and full compensation for your move from Ottawa to Victoria in January 2002.

On May 19, 2006 I left a message for you to call me with no response. I again called you on May 25, 2006, where you stated it was not a good time to talk as you were busy taking the children to school and had appointments for the rest of the day. You stated you had received my message on May 19, but were too busy to call me and did not have time to talk to me. I informed you it was imperative we speak as there were timelines and I was not clear on what you wanted me to do. I asked you to call me back as soon as possible.

Your May 18 letter was received on May 23, 2006 where you stated you did not receive a reply to your request to grieve the just cause dismissal as per your letter of May 1<sup>st</sup>, 2006.

On May 29, 2006 I again contacted you because you still had not called me back. I tried to discuss your grievance, and you began to go over the reasons you were not at work was because of being yelled at by your Manager Dave McNeil. You stated you were bullied to get out of your position. You had gone back to University at great expense to your family and were successful in obtaining scholarships. You stated that a person became a Manager who was not qualified to be a Manager. You stated you were the one person who did everything but were told to shut up. You asked me if it was okay for people to yell at you. I tried to explain that there had been a 32.15, with no evidence provided by you that there was misuse of managerial authority. You stated it was a hostile environment and nepotism was used to get a guy in a Manager position who was a bad Manager. When I asked what resolve you were looking for you stated you would not accept having to go to work in a hostile environment. You indicated to me you had sent me a letter to review, and to only call back between 9:30 and 2:30. I indicated I had not received the letter yet, but would review and respond to you in the next day or two.

I have now reviewed your letter and there is no new evidence brought forth by you. You have again referred to incidents which were addressed in the 32.15 that you filed, and again request an apology from management for wrongful dismissal and compensation for your move from Ottawa to Victoria in January 2002.

*I had explained*

*No message received*

*I tried calling 1800 # 2+ per minute*



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As per the Collective Agreement I do not have the ability to obtain either of the two things you have requested. Your move from Ottawa was when you were not a Union member, and on a condition of employment you had accepted the move at your own expense. The Collective Agreement does not give us the right to go back four years in time and request a payment, which was part of your commitment to the Employer when you accepted the position. I also do not have the ability to get Management to apologize to you. It is the Employer's position you abandoned your position when you refused, continually, to report to work.

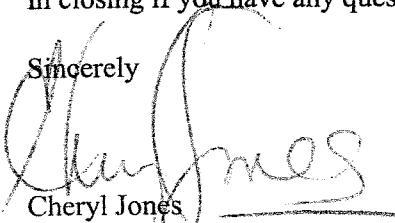
Therefore, I need to be very clear with you, you did not file a grievance for your dismissal within the time frame of 30 days as set out in the Collective Agreement and the BCGEU does not have the ability to proceed when time lines have expired.

If you have any information as to why you did not proceed to file a grievance within the time frame, please let me know. If you have any medical documentation that prevented you from filing and would support reasons for a delay, please go and see your family physician to get this information for me.

For clarification purposes I need to reiterate, your suspension grievance is concluded. You did not file a dismissal grievance, and unless there is medical evidence as to why you did not file your grievance within the time frame, we are unable to proceed any further. If you have any new information please provide it to me before June 7, 2006. I have included a grievance form for you to complete and sign, and return to this office asap. Once I have reviewed all information provided I will proceed accordingly.

In closing if you have any questions please feel free to contact me at 388-9948.

Sincerely

  
Cheryl Jones  
Staff Representative

CJ/lg  
cope 378  
ltr warren

Encl.

cc Marvin Paxman, Steward