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July 11, 2006

BCGEU  
101-4911 Canada Way  
Burnaby BC V5G 9Z9

Re: wrongful dismissal

Hello Janet,

I would like to ask for a review of the circumstances leading to my dismissal from BC Stats of the Ministry of Labour and Citizens' Services, Government of British Columbia.

On April 28, 2006, I received notification that I was dismissed for insubordination from the BC Government (dated April 11, 2006) where I had been employed as an analyst with BC Stats for four years and had a clean record until February 15 when I was suspended for three weeks, the last week without pay.

I had been asking for help from management and from the union to address the negative work environment I had been subjected to over the last year and a half. I had been yelled at on a number of occasions by co-workers, reprimanded by the manager when I defended myself, excluded from all meetings both formal and informal. I was treated as though I was not to think, make suggestions, or ask questions about methods and modeling, but simply to do what I was told, despite having my Masters Degree in this field and despite my Employee Performance and Development Planning (EPDP) stating otherwise. I am project and results oriented and I was advocating improvements that did not sit well with the long time employees.

My position is to have team effectiveness training for the section.

Management's position is that I must accept the current working conditions. They also offered to pay for me to see a counselor.

In my view, management's offer does not address the problems in the section. The work environment is intimidating and antagonistic towards me and I will not accept continuing to work in these conditions.

I would very much appreciate that the circumstances leading to my dismissal be reviewed by an arbitrator(s).

Regarding my areas of concern...

- 1) there is a need to address the negative work environment that I have been subject to

- 2) I have requested courses or mediation for the whole section
- 3) Management has stated that I am to accept the work environment and that I should see a councilor
- 4) I do not think that this will create a positive work environment for me as it does not address the fact the I have not been yelling at my co-worker while my co-workers have been yelling at me.

Regarding your questions

- 1) yes I do want my case reviewed in its entirety (not just what happened surrounding the time when the section manager pretended to fire me on February 15, 2006) by an arbitrator but I am suspicious of the BCGEU's sincerity in representing me.
- 2) I would very much like to do my job without having to endure hostility but would require assurances that the negative work environment is not acceptable and something concrete like the work place skills program, which includes team effectiveness training be agreed upon.
- 3) No, I do not understand. What I understand is that the management and the union think that it is alright for a member to be singled out, isolated and yelled at etc. Do you understand that I do not think that it is alright for a member to be singled out, isolated and yelled etc?

I find it interesting that the BCGEU seems to agree with management that everything in the section is just hunk dory. I would like to make it perfectly clear, I do not want to go to work in a negative intimidating and antagonistic work environment. I would like to make it perfectly clear, I do not want to go to a work place where I am treated as though I am stupid and lazy and need to be yelled at. I would like to make it perfectly clear, I do not want to get yelled at. Also I would like to make it perfectly clear, that I have always and still do advocate team effectiveness training for the section. However instead of making this clear in your letter you refer to "the above referenced remedy outlined?" Could you be clear about what this means?

As I have not been represented fairly by the BCGEU, and because I did not receive a reply to my letters to the BCGEU in June I have submitted a written complaint to the Labour Relations Board under Section 12.

The following describes several incidences where I feel the BCGEU has not represented me fairly.

September 2005 – I met with Cathy McCallum, BCGEU staff representative, regarding my request to meet with Human Resources in order to advocate team effectiveness training for our section (five people) because I had been the subject of hostility including yelling at me by co-workers. I told of how the manager supported the negative behavior and had called me into his office to chastise me for asking to be asked rather than told what to do. On one occasion (March 2005) he had threatened me with a formal (he told me that he did not have the time to make it formal). I was very concerned that the manager would become increasingly hostile with my request for team effectiveness training courses. He had told me that the courses would only make

things worse. Cathy McCallum said that yelling was not acceptable but instead of going to Article 1.9 (discrimination) we might proceed with a grievance under Article 32.15. In preparation for the meeting that I had arranged with Carol Gore from human resources, Cathy McCallum wanted me to be sure to bring up the threat of a formal reprimand, and the examples of yelling.

October 13, 2005 – Just before the meeting, the manager spoke with Cathy McCallum telling her that he had been a shop steward for many years and had represented the union in discussions regarding Article 29. During the meeting I advocated team effectiveness training courses because of the hostility directed towards me and gave examples of the yelling, in particular (there were more subtle forms of abuse as well). The manager became agitated and blamed me for the dysfunctionality calling me “passive aggressive”. He went on to say that “no one in the section wanted to work with me”, and that “they had tried but it didn’t work”. An example he used were the population projection meetings with Jennifer Hansen. I still do not know what this is about. On my EPDP, nothing negative had ever been mentioned.

I also described that the hostility may be a result of the position having been reclassified before I started working for BC Stats because the manager had told me (before he became manager) that “the position should never have been reclassified” as “it had been reclassified for Dan Schrier and that I am no Dan Schrier”. However, when I made this statement at the meeting, the manager said that this was not true, rather he had supported Dan’s reclassification.

I also said that the manager had threatened me with a formal reprimand (March 2005). The manager became very upset and said I was lying. Carol Gore interjected and asked to meet with Cathy McCallum privately. Upon their return Carol Gore said that this was not the correct venue for this discussion and that another approach would be taken. Cathy McCallum agreed with this.

After the meeting, I waited (forty five minutes) to speak with Cathy McCallum who was visiting a friend in Human Resources. I asked her what she thought and she said that she thought that the meeting had been a “disaster” and that she agreed with the manager that I was ‘passive aggressive’. I went back to the office where I heard the manager loudly explaining to one of my co-workers what happened at the meeting. I spoke with the shop steward about my fear that the hostilities towards me would likely be increasing.

October 18, 2005 – I spoke with the shop steward saying my wife thinks that I should get out of the section because of the hostilities and suggested I should quit. However, I explained to him that, as a matter of principle, I would not be bullied out of my work. I met with the Director twice, later that week, in an attempt to promote improved communications in the section and team effectiveness training.

October 25, 2005 – The shop steward asked me when I would be quitting as “the others would like to know” I stated again that I had done nothing wrong and that I refused to be bullied out of my job.

October 27, 2005 – The shop steward asked to meet with me and states that things do not look good. He suggests that I “do what is best for Warren Munroe”. I state that what would be best is that I be able to go to “work in a positive work environment”.

October 29, 2006 - The shop steward asked to meet with me and suggests that I submit a letter to the Director describing the working conditions and cc it to the union, as the other members of the section would be doing the same. I said that it appears that the goal of the manager and my co-workers is not to learn to work together but rather the goal of the manager and my co-workers is indeed to get rid of me. The covert effort to get rid of me became overt.

If I had known about the Labour Relations Code, I would have written a complaint about poor representation at this time.

I told my family that evening that it looks like I am going to be fired as there is no interest in helping to create a positive work environment.

November 3, 2005 – I submitted a letter to the Director pointing out some of the problems and emphasis the benefits of improving communications skills and team effectiveness courses.

Throughout this period, and over the last year, the other three members of the Population Section and the manager would go for coffee together without letting me know. Often the offices were empty and I would be alone taking care of things for forty-five minutes. The frequency and duration of these meetings increased in September and through to my suspension in February.

December 1, 2005 – Since the work environment was so antagonistic, I sent an email to the director about the personal harassment. I was directed to submit a grievance under Article 32.15 and to be prepared for a meeting to discuss my claim. This was followed by a meeting a few days later with the Director and Carol Gore, and with the shop steward present. An investigation was conducted.

December 12, 2005 – The investigation concluded that there was no misuse of managerial authority and therefore no resolution would be proposed. There was a suggestion that team effectiveness training courses might be made available in early February 2006, but that this was not certain.

January 23, 2006 – A different BCGEU staff representative, Ron Storm, called me. He said he had read all the correspondence that I had sent to the BCGEU but that it was all superficial and general. I asked if he had the 32 page document also submitted. He found it and asked that I call him back in a few days after he had a chance to read it. I asked that he call me when he was finished. He said that he did not need me telling him how to do his job and would not work on my case. I thanked him for his interest and he said “I’m sure” and hung up.

January 25, 2006 – Because there was a misunderstanding as to how to proceed, I had asked for an extension, but this was refused by the next staff representative to call, Cheryl Jones.

January 30, 2006 - I submitted my grievance to the Deputy Minister in compliance with the Article 32.15.

February 6, 2006 – The manager returned from vacation. I asked many times about assistance but this was denied. The manager said that there would be “no courses because there is no need”.

February 10, 2006 - The Director told me that there would be no courses because I had proceeded with the grievance and he would wait for the Deputy Minister’s decision. I offered to

drop the grievance in favor of work place skills courses for the section, but the Director said it was “not possible as the union has taken up the cause”.

February 13, 2006 - I told the director, manager, with the shop steward present, the importance of courses or mediation, and that the intimidation had been both overt and subtle giving examples. I asked the director for a transfer and stated that team effectiveness training courses for the section, or mediation, is necessary before I will meet with the rest of the section. I explained that the harassment had been both overt and subtle, i.e. Jennifer snickering at me – which had not been fully described in the grievance letter to the Deputy Minister. I find out that the manager had gone to Human Resources about me in March 2005.

February 14, 2006 - I sent an email to the Director saying that it was important that trust be rebuilt and that to pretend that there was nothing wrong and no need for courses was not helpful, indeed it would only make things worse.

February 15, 2006 - I refused to attend a meeting with the manager and a co-worker which had been a venue for antagonism towards me. Indeed, the manager had used these meetings as an example of how my co-worker Jennifer Hansen did not want to work with me during the October 13, 2005 meeting with Human Resources. This I still do not understand. Also these meetings had been moved ahead by over one month. Because I refused to attend the meeting until something constructive was done, the manager told me to leave the building, leave my computer on, and escorted me out after I had gathered my belongings and dropped off my entrance key-card. I thought that I had been fired; however shortly after going to the locker room, the shop steward came in to say “good news” I had not been fired and that “the manager did not have the power to fire me”, but rather that I was being suspended with pay.

February 21, 2006 – At a meeting with management (Director, manager, Carol Gore from HR) and the shop steward, I asked for team effectiveness training, to be transferred, or to sit on a committee to look into ways of addressing potential problems at the earliest opportunity. Management’s position was (and still is) that I am the problem and that I should take advantage of resources available through a families in crisis program. I made it clear again that I would not continue to accept working in an intimidating, antagonistic work environment. I did not nor do not think that the offer from management addresses the problems. Management told me to return to work and accept the current working conditions or I would be subject to further discipline. I was told to accept the current working conditions because the deputy minister Gordon Macatee had reviewed my grievance and had sided with the Director’s December 2005 findings. There was no discussion at this meeting of the history of antagonism described in the grievance letter submitted January 30, 2006.

My request for team effectiveness training still stands, but management’s position is that the working conditions are adequate and preferred not endorse courses for the section but instead to continue with disciplinary action.

February 28, 2006 – I was suspended for a week without pay, and told to return to work on March 7, 2006.

March 6, 2006 – I sent a letter to the director asking for a positive work environment.

March 8, 2006 – I was told by management to return to work. Still no offer of team effectiveness training courses.

March 10, 2006 – The shop steward (who seemed to finally appreciate the hostility that I was enduring) said that the union was on my side and would proceed with a grievance for being suspended. I was told that it could take 9 to 12 months to resolve. I said that I could not return to work until the negative work environment was addressed, but was told that this is unacceptable to management.

Also, in a previous call Marvin, the shop steward, had told me that if I quit, the union would make sure that I had a clean record. I said that this is unacceptable.

I asked if there was financial assistance available to people in this circumstance. Marvin called back after checking with Cheryl Jones (BCGEU staff rep) to say that there is no assistance available and that I had to get back to work as I would be dismissed with just cause and not eligible for employment insurance. Since I could not accept continuing to work in a hostile work environment and I could not afford to fight this, I had to reduce my over head and moved my family out of Victoria, breaking a lease held since Sept. 2005, back to our permanent residence in Qualicum Beach, where we had lived since moving to the coast from Ottawa in 2002.

March 20, 2006 – After moving, and with my children starting back to school, I sent a letter to the BCGEU to continue with the grievance and to grieve the suspension.

March 22 to April 28, 2006 – Many letters began to arrive from management and the union. I was so upset with having been bullied out of my job that I focused on rebuilding our life. The tone of these letters was, from my point of view, accusatory and not constructive. During this time, I was both disgusted by the hostility directed towards me as well as relieved to not be going in to work in an antagonistic work environment. It was not until the end of April that I was able to address the constructive dismissal.

March 22, 2006 – Letter from Cheryl Jones shows a continued disregard for the hostility directed towards me, claiming I said “I am not going back”, but neglecting any consideration for my position that I will not continue to work in an antagonistic and intimidating work environment. Also, there appears to be support in her letter for management’s position. Again, I feel that the BCGEU is not representing me.

March 28, 2006 – Received letter from Director (dated March 20, 2006) ordering me back to work. If I do not return to work (and thereby accept the current work conditions) I will be dismissed.

March 31, 2006 – I sent a letter to the Director pointing out the need for management to accept its role in having maintained a negative work environment.

April 6, 2006 – Letter from Cheryl Jones dropping grievances.

April 28, 2006 – Received letter from Deputy Minister (dated April 11, 2006) dismissed for not returning to work (and thereby not accepting the current work conditions). He also references my having been “previously suspended” on February 28...; however this is not a previous suspension, but rather all part of the same incident. The Deputy Minister refuses to consider team effectiveness training and mistakenly states that I am not interested accepting any blame for the dysfunction. I guess that the Deputy Minister did not read the letter I sent to him January 30, 2006, which clearly states that I know that I am not easy to work with for some people [who have more interest in attacking personal differences, than addressing the projects at hand], but that we could all benefit from team effectiveness training.

May 2, 2006 – Sent letter to Cheryl Jones (received May 4<sup>th</sup>) disputing the dismissal for just cause (April 11, 2006). I sent letters to the deputy minister and president of the BCGEU on May 18 and May 25<sup>th</sup> and finally heard back from Cheryl Jones (phone call at the end of May).

May 11, 2006 – Copy of the letter sent to Cheryl Jones on May 2, 2006 sent to Deputy Minister and cc’ed to the president of the BCGEU.

May 18, 2006 – Letter sent to Cheryl Jones of the BCGEU asking why there has been no response (cc’ed to the Deputy Minister and to the president of the BCGEU).

May 25, 2006 – Another letter sent to Cheryl Jones of the BCGEU (cc’ed to the Deputy Minister and to the president of the BCGEU) clarifying my position and the need to grieve.

May 26, 2006 – Received phone call from Cheryl Jones of the BCGEU. In response to my earlier request, she cannot get me my money back for having paid to move my family from Ottawa and asked if I want my job back. I say yes but not under the current conditions. She will read the latest letter if it is about the dismissal and reply by mail.

June 6, 2006 – Received letter from Cheryl Jones of the BCGEU. She stated that there is no new information that would change her mind about not proceeding and besides I got the request in too late. Cheryl had written out Article 8.3 but not 8.3 (b) regarding when the respondent becomes aware of the dismissal. Either way, I did get the request to dispute the dismissal in before the deadline.

June 6, 2006 – Received letter from George Heyman, president of the BCGEU. He has assigned someone else to my case who is to review my case and to contact me directly.

June 8, 2006 – I write to Cheryl Jones telling her of article 8.3 (b) and that George Heyman had assigned someone else to the case. (cc’ed George Heyman).

June 13, 2006 – Letter sent to George Heyman saying that the new staff representative has not called. I asked what to do next. I have not yet had a reply.

June 16, 2006 – Received ~\$3800 (gross) from Ministry of Labour and Citizens’ Services. No explanation given, other than there being “Lump sum/lv pay” written on the statement.

June 22, 2006 – Still no explanation following the unexpected cheque. Letter sent to Deputy Minister (cc'ed Premier) asking what the money is for. Still no answer.

June 26 to 30, 2006 – Search and request help from many places. Find out that I need to go to the Labour Relations Board and exhaust all appeal processes with the union.

July 4, 2006 – letter of complaint that the BCGEU has contravened section 12. Preparation to BCGEU and LRB sent out after edits on July 10, 2006.

July 9, 2006 – letter from Janet Seccia BCGEU staff representative. There is no mention again of the fact that I have been asking for team effectiveness training for the section and that management's position is that I accept the working conditions ( including yelling which I have been enduring for over a year) and take personal counseling. I do not think that this will solve the problems ( including getting yelled at). The BCGEU and management might think that this is alright, but I do not. I would like to have in writing the BCGEU's opinion on negative work environments and on yelling in the work place. I would also like to have in writing the employer's position on negative work environments and on yelling in the work place.

Regarding the incorrect statement that the employer offered a resolution - there was no resolution to my grievance regarding personal harassment because the Director found nothing wrong. The personal harassment started to come out in October 2004 and increased through to the summer of 2005 when it became clear to me that an effort was being made to bully me out of my job. That is when I sought assistance in creating a positive work environment. In December 12, 2005, management led me to believe that team effectiveness training courses would be offered in early February but these were eventually refused.

I did not state that I was preparing to move my family at the meeting on February 13, 2006 but did say at the meeting on February 21, 2006 that I have had to be prepared to be fired since the meeting in October 13, 2005 when the covert attempts to bully me out of my position became overt. Also after that meeting it was clear that management and the union have been supporting each other and that I have been not represented fairly by the BCGEU.

It was my hope that some reasonable party would have a chance to read my case in its entirety and would see that there is a real need for team effectiveness training type courses for the whole section as stated by Carol Gore in September 2005. This remains my position.

I would like to make this perfectly clear, I will not return to work in a negative, intimidating, and antagonistic work environment until team effectiveness training courses are agreed upon. How would you like going to work where your co-workers and the manager go out for coffee together and come back and yell at you, blame you for things you had not done, snicker behind your back etc?

In Summary:

I have found the treatment directed towards me to be astounding and unfair. I have had time to ponder why there was so much hatred directed towards me and do not rule out some deep

prejudice. Perhaps the antagonism was due to my background (construction), place of origin (rural), ethnicity (mixed blood Scots and Cree), political view (democratic) etc, - not just because I offered solutions to the many problems. If any of these prejudices motivated the hostilities, there are sensitivity courses available to the employees. Differences should not result in the one who is different to be bullied out of his work.

Perhaps the BCGEU was less than helpful because the manager, who had been hostile towards me, had been a shop steward for many years and was a BCGEU representative in Article 29 discussions. He knew the people at the local office well. He also told Cathy McCallum this before the meeting we had with human resources in October 13<sup>th</sup> 2005. It is my impression that this influenced her in her decision to side with management.

Perhaps the BCGEU was less than helpful also because two other members of the population section, who had been doing the yelling (for no good reason), were long time BCGEU members.

Perhaps, given these circumstances, the BCGEU has opted to get me to accept the current working conditions as this was the easiest way out. Since I was the subject of harassment and I tried everything I could to no avail, I had to make a stand to protect myself. This led to me being dismissed for just cause agreed by both the management and the BCGEU.

Also, there was a distinct hierarchy imposed on the section by the new manager, who had been an employee in the section for over twenty years, before becoming manager in a competition set up for him to win. I was treated as though I was not to think, make suggestions, or ask questions about methods and modeling, but simply to do what I was told, despite having my Masters Degree in this field and despite my EPDP stating otherwise. I was excluded from all meetings both formal and informal.

The manager also held the view that the best things were 'urban' and the least admirable were 'local', particularly in low density areas where I just happen to come from. The most important Ministries were Health and Finance, while the least admirable were the "dirt ministries" Also, he looked down on the people who claimed to have aboriginal ancestry (the 2001 census showed a substantial increase in the number of people claiming aboriginal ancestry) as they either just saw "Dances with Wolves" or were "looking for a handout". Perhaps I should not have said that I claimed mixed blood ancestry as my parents (both sides) are mixed bloods.

I can understand that change can be difficult, but yelling without having an opportunity to reconcile should not be considered acceptable. I have been astonished, perplexed, dumbfounded, and upset by what has happened. If I had not been treated with such disrespect, or if we had been able to benefit from the team effectiveness training courses, I would still be working. I have had a chance to regain my health and my sense of humor and have learned many important lessons. The main one being that the transition from a compliant, complacent work force to an active and involved work force requires real support, not just words.

Regardless, instead of dwelling on the past I would like very much to have my job back, if steps were taken to help create a positive work environment, e.g., project planning and team effectiveness courses. This would have to be more inclusive than just my taking courses on how to work with others. However, since it appears that there is no interest in having me return to work, I would like others to be warned of what it was like at BCStats population section and I

would like to be compensated for having paid for my family to move from Ottawa to take the position, as I did not expect that I would be taking a position with an employer that supports the maintenance of an intimidating and antagonistic work place. I would also like to have 'dismissed for just cause' removed from my record.

Thank you for your consideration of my request.

Sincerely,

Warren Munroe