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March 30, 2012

Ron Cantelon
Member of the Legislative Assembly - Parksville-Qualicum
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Victoria, BC V8V 1X4

Margaret MacDiarmid
Ministry of Labour, Citizens' Services and Open Government
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Open letter sent via email regarding: ***Request to the Minister of Labour, Citizens' Services and Open Government to remove the block to arbitration in order to allow the disclosure of information, regarding the real methods used by BC Stats to create population numbers used to justify opening and closing of public and private facilities, in accordance to the Labour Code.***

Dear Madame and Sir,

Thank you MLA Cantelon, for pointing to the BCGEU's conflict resolution website and thank you Minister MacDiarmid for beginning to look into the dismissal of the Ministry of Labour, Citizens' Services, BC Stats' Population Analyst (the author).

Please understand that after the Population Analyst requested mediation and courses designed to improve harmony in the workplace, BC Stats' management made a serious accusation against the Population Analyst.¹

I contend that this accusation and the resolution that there be no resolution, and considering the case to be closed, and the dismissal of the Population Analyst while the grievance was before the Deputy Minister, along with other forms of discrimination² were efforts to coerce, threaten, intimidate, and refuse to continue to employ the Population Analyst because he would, and eventually did, file a complaint and was about to participate in proceedings under the Labour Code, which reads ...

“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”. Section 5 (1)

Following proper procedures as set out by the Labour Code would have resulted in the “disclosure” of the problems within the Ministry's Official Statistical Agency, BC Stats that arise from the use of non-statistical, and substandard methods by BC Stats. Examples include

adopting telephone landline data as an indicator of population change while cell phone use was growing rapidly, and removing various municipalities selected by BC Stats' Executive Director from the Generalized Estimation System (GES) model, over a 2 ½ month period, in an effort to reduce error, etc.

BC Stats' Executive Director still claims that the use of the change in telephone landlines was “extensively analyzed”; and the Ministry still claims BC Stats' clients are “quite satisfied” while former clients specifically state they do not use BC Stats numbers (eg. Qualicum School District).

As well, BC Stats' practices of allowing the Greater Vancouver Regional District and the Capital Regional District representatives, but not the Regional Districts outside of the core areas, to look over and provide input prior to public release of population numbers, as well as moving error out of the larger centers into the smaller areas reflects BC Stats disregard for small town and rural BC.

Please be aware that the Minister does have the right and responsibility to evaluate “*...the manner in which the legislation (Labour Code) is functioning and to identify problems that may have arisen under its provisions*” and to “*make recommendations on any specific matter*” (BC Labour Code, Section 3 (1), (a) and (c)) including allowing arbitration to proceed.³

Will the Minister please

- 1) remove the block to arbitration immediately, thereby allowing the “disclosure” of the real matters in dispute to be presented to an Arbitration Board proceed, and
- 2) will the Minister allow users of BC Stats population numbers to verify the population numbers created by BC Stats of the Ministry of Labour, Citizens' Services and Open Government as befits the requirements of statistical and scientific methods, as well as the Ministry of Labour, Citizens' Services and Open Government service plan?

Yours truly,



William Warren Munroe

cc, British Columbia's Members of the Legislative Assembly, BC Stats, and other interested parties

ENDNOTES

1) Please understand that after the Population Analyst requested mediation and courses designed to improve harmony in the workplace, BC Stats' management accused the Population Analyst of being unable to control his behavior due to a condition referred to as "passive aggressive" thus making a co-worker feel unsafe. The Population Analyst requested mediation and a resolution to this accusation as well.

The Ministry of Labour and Citizens' Services refused to allow the Population Analyst to submit discrimination and harassment grievance insisting on a grievance of misuse of managerial authority see <http://www.wminfomatics.com/WP/petition/CoverLRB.pdf>. On December 12, 2005, BC Stats' Executive Director, Mr. McRae, announced that the resolution would be that there is "no resolution" and the case was considered "closed".

In response to my questions, the shop steward wrote:

"...about their ruling with regard to the accusation by Dave (in the meeting with Carol Gore and Cathy McCallum) that you were "passive aggressive". Mr. McRae said they found that that incident did not constitute a misuse of managerial authority."

See <http://www.wminfomatics.com/WP/petition/Exhibit13.pdf>, p. 10.

The Population Analyst forwarded the grievance to the Deputy Minister of Labour, Citizens' Services, G. Macette and shortly thereafter, the Population Analyst was ordered to close his office window, leave his computer on, gather his belongings, turn in his security pass, and leave the building.

Refusing to continue to employ a person because they were participating in a proceeding under the Labour Code is a violation of the Labour Code; therefore, the Ministry (the Employer) must allow arbitration to proceed.

2) See <http://www.wminfomatics.com/WP/petition/CoverLRB.pdf>, p. 3. For other examples read <http://www.wminfomatics.com/WP/Facts6aMLCS1j.pdf> and <http://www.wminfomatics.com/WP/petition/BCGEUAdvocacy5b.pdf> and <http://www.wminfomatics.com/WP/Home.html>

3) The Ministry of Labour and Citizens' Services refused to allow the Population Analyst to take courses designed to improve harmony in the workplace as well as mediation. After dismissing the Population Analyst for just cause, the Ministry refused to allow arbitration accusing the Population Analyst of going down the wrong "channel" (eg. Endnote #1)

The Labour Code Section 156 states ...

"A proceeding under this Code or a collective agreement must not be considered invalid because of a defect in form, a technical irregularity or an error of procedure that does not result in a denial of natural justice, and the board, arbitration board, industrial inquiry commission, special officer, court or other tribunal may relieve against those defects, irregularities or errors of procedure on just and reasonable terms".

See <http://www.wminfomatics.com/WP/petition/LRBSec99All1.pdf>