

William Warren Munroe
763 Beach Road
Qualicum Beach, BC V9K 1S2
July 20, 2012 (edit July 10, 2013)

Minister of Justice and Attorney General
Honourable Shirley Bond
PO BOX 9044 Stn Prov Govt
Victoria BC V8W 9E2

Re: Request for continuance¹; and audit of BC Stats; and removal of “just cause” and “insubordination” from record; inappropriate use of “another channel” used to stop grievance proceedings; 32160 BCPSA BCGEU _ Warren Munroe, BC Human Rights Tribunal Case Number 4376, JAG File 392989

Dear Minister,

1. Thank you for your reply dated June 22, 2012. Regarding your statement

“Regarding your concern that you were discriminated against on the basis of your ancestry, the British Columbia Human Rights Tribunal has jurisdiction over such matters.”

2. Please be aware, the British Columbia Human Rights Tribunal (BCHRT) Chair ruled out all grounds covered by the BC Human Rights Code I presented, except for ancestry (Section 26).

3. Also please be aware, I submitted a human rights grievance December 5, 2005, prior being dismissed, but was forced by the Ministry of Labour and Citizens’ Services (MLCS)², the BC Public Service Agency (BCPSA) and the BC Government Employee’s Union (BCGEU) to use a different procedure (Section 7 to 10).

4. For using forced procedure, I was found guilty of going down the “wrong channel”; therefore, my grievance was not allowed to proceed. (Section 28-30)

5. Please allow me to explain what was not explained to the arbiter who, in October 2007, agreed to impose a block on the grievance proceedings into the real matters in dispute.

6. First though, please be aware, as the Population Analyst for BC Stats from 2002 to 2006, I reduced error in many methods and models. I also regularly requested the write-up of the testing of the use of telephone landline hookups as an indicator of population change, not only because it missed an increasing number of people, particularly young urban adults, but also because of co-linearity problems in regressions with electrical landline hookups.³ These were just some of the more glaring examples of non-statistical and substandard methods used by BC Stats to create population numbers.

7. My concerns were met with an effort to discredit as seen in the following sections.

¹ For Acts and Codes relevant to this case see www.wminfomatics.com/WP/petition/Acts1.pdf. Evidence of the real methods used by BC Stats to create population numbers can be found at www.wminfomatics.com/WP/home.html.

² Since being dismissed from the Public Service in 2006, after 4 years of service, the Ministry’s title changed to include Open Government.

³ Don McRae, the Executive Director of BC Stats wanted telephone landline hookup data to be used along with electrical landline hookup data to estimate population change for BC communities, because "two indicators look better than one". My requests to see the writeup of the testing of this indicator were met with statements like " DS tested the use of Telus data, and you are no DS." I continue to request publication of the real methods.

8. While my grievance was underway (March 2005)⁴, my requests for work place skills courses⁵, and mediation, were refused and instead I was told by the manager that the discrimination towards me (aggressive yelling, removal from all responsibility, removal from contacts list, etc.) was justified because, I have a form of mental problem making me unable to control my behaviour and incapable of team work.⁶

9. In December 2005, I wrote:

From: Munroe, Warren LCS:EX
Sent: December 5, 2005 9:03 AM
To: McRae, Don LCS:EX
Cc: Paxman, Marvin LCS:EX
Subject: RE: Personal harassment

... 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.
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 facilitator's 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.
I therefore am making a complaint of discrimination and choose to proceed in reference to Article 1.9."⁷

10. The Executive Director of BC Stats, Mr. McRae had stated:

"I am obligated to interpret the allegations as a formal complaint of misuse of managerial authority, under Article 32.15 of the Master Agreement.
And that "the format [sic - read formal] complaint under Article 32.15, ... was received on Dec 1, 2006 [sic - read Dec 1, 2005]."⁸

11. Please understand, I was required to prove I have a mental disorder to proceed with a discrimination (on grounds covered by the BC human rights code) violation.

From: Charbonneau, Michelle M PSA:EX
Sent: December 5, 2005 3:57 PM
To: Gore, Carol PSA:EX
Subject: RE: Personal harassment
BTW - I spoke with David Nixon reconfirming our brief discussion.

⁴ In March 2005, the Population Section manager threatened me with a formal reprimand, See Exhibit 3 – Exhibits can be found at www.wminfomatics.com/WP/petition/petition.html

⁵ HR, Carol Gore, advised I ask the manager for work place skills courses for Population Section. He replied they would only make things worse. I was not allowed to take work place skills courses and was removed from two courses designed to promote harmony in the work place. Exhibits 4,5,6,7,8,10,11,12,13,15,16,18

⁶ October 13, 2005 with Carol Gore and Cathy McCallum present. Documents thru FOI are not available.

⁷ Exhibit 16, pg. 1 to 4. See <http://www.wminfomatics.com/WP/petition/Exhibit16.pdf>. Yellow background is added in this letter to highlight statements.

⁸ Ibid. p3 point #1)

Question: If filing a complaint under Article 1.9 i.e. Article 1.7 Human Rights, do you have to have a mental disability?
He confirmed that you do...
Similar case pattern: if you file a Human Rights complaint attesting discrimination because of illness, you have to be ill.⁹

12. ... contrary to the Appeals Court ruling (see Section 36 and 37) otherwise I was required to proceed with a grievance of abuse of managerial authority.

From Carol Gores notes received through FOI, Ms. Gore wrote ...
ER Investigation Meeting
December 6, 2005
9:30 AM
BC Stats Board Room
Don: is there medical basis to disability?
Warren said no
Ms. Carol Gore goes on to state
so will proceed with 32.15 complaint¹⁰

13. After an investigation regarding the manager's accusation that the grievor has a mental problem making him unable to control his behaviour making co-workers fear for safety, thereby justifying the manager's and the co-worker's discrimination, the shop steward stated

"I asked about their ruling with regard to the accusation by Dave [manager] ... who acknowledged the remark. Mr. McRae said they found that that incident did not constitute a misuse of managerial authority." Exhibit 13

14. Then Don McRae ruled

"the resolution would be that there would be no resolution", and that the case was considered "closed" (Dec. 12, 2005).¹¹

15. I forwarded my grievance to the Deputy Minister, Gordon Macette, on January 30 2006,
a) again requesting work place skills courses:

"the manager chose to not support the work place skills program but instead reacted negatively to this opportunity and chose to participate in efforts to discredit the person who had been the subject of the yelling. Exhibit 18

b) and describing some of the non-statistical methods:

Changes to the Generalized Estimations System including "Splitting the data" - the municipalities - into two groups then running regressions separately; (p. 22) advising against "compound growth rate" for one group of municipalities; correcting "dependency ratio"; fixing "the PED [Provincial Electoral Districts] estimation procedure." etc. 12

c) yet emphasizing positive solutions

"I honestly feel that given the opportunity, the members of the population section can work out problems and come up with positive solutions.

⁹ From the transcripts from Freedom of Information (FOI) of discussions between Public Service Agency representatives, Carol Gore and M. Charbonneau (Exhibit 16a) and included in letter to MLCS as new evidence, Sept, 2010, www.wminformatics.com/WP/Facts6aMLCS1j.pdf.

¹⁰ Exhibit 16b.

¹¹ The shop steward told me that there was no write up of the Dec. 12, 2005 meetings, but the FIO package shows that there was a write-up and that Mr. McRae changed the accusation, from passive "aggressive" to "intense".

¹² The substandard quality of reasoning that justified using telephone landline data reflects the substandard quality of reasoning that justified my dismissal for insubordination and continues to justify the refusal to allow arbitration / mediation to proceed. See Exhibit 18 and 18a.

16. But before the Deputy Minister replied, the manager, D. O'Neil, with the shop steward present, ordered me to close the office window, leave my computer on, gather my belongings, turn in my security pass, and leave the building February 15, 2006.¹³

February 16, 2006, Don, Dave, Carol, Michelle

Re: Warren Munroe

Don - he's been asked to leave the building

Dave told him [Warren] he could take his personal items.¹⁴

17. Just to be clear, I was ordered, not asked.

18. On February 24, 2006, (Exhibit 25) the Deputy Minister found

I do not see any evidence of "misuse of managerial/supervisory authority"

19. I was ordered to return to work and strongly advised (in writing), by Mr. McRae, to see a counselor to address my "problem", March 9, 2006

"In light of your continued reference to unsubstantiated claims of intimidation and harassment by your manager and co-workers, the employer is making a formal referral to BC Employee and Family Assistance Program."
Exhibit 30

20. However, this assistance program was not applicable

"A formal referral to BC Employee and Family Assistance Program (BCEFAP) is a formalized (in writing) offer of assistance to an employee whose personal problems are believed to have adversely impacted their work performance. This referral occurs after deterioration in an employee's work has been documented. Formal referrals to the BCEFAP are used only after work performance review has identified unsatisfactory performance."

21. I had an excellent work record having reduced error, time and cost, with no unsatisfactory performance¹⁵; nonetheless, during a phone call from Mr. McRae¹⁶, and in discussions with the BCGEU, I was required to participate in this program or I would be dismissed.¹⁷

¹³ www.wminfomatics.com/WP/petition/February%2016.pdf. See the emails immediately prior to the dismissal, www.wminfomatics.com/WP/petition/Fellegiemail1.pdf, regarding advice to the D. McRae.

¹⁴ <http://www.wminfomatics.com/WP/petition/Fellegiemail1.pdf>

¹⁵ See my Employee Performance, Exhibit 2. If unsatisfactory performance was identified, the Master Agreement requires I be informed. In this manner, an Employee would be able to identify, and attain, satisfactory performance. What was the unsatisfactory performance? Filing a grievance? Pointing out substandard methods?

¹⁶ This phone call violated not only the Master Agreement but also the BC Public Service Act because it does the opposite of promote harmony but rather promotes disharmony and disgust. This practice must stop. 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 Union did not consent Exhibit 27.

¹⁷ BC 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".

"The Employer 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 for your dismissal. You did not attend." See exhibits 43 and 44. (BCGEU May 28, 2006)

22. I insisted upon mediation¹⁸; however, I was notified of my dismissal for insubordination and just cause in a letter directly from the deputy minister on April 28, 2006.¹⁹

"I have received a recommendation that you be dismissed from your employment as a Population Analyst with the Ministry of Labour and Citizens' Services. Your dismissal was recommended 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.

...you are hereby dismissed from employment with the Public Service, effective immediately " See exhibits 36.

23. I replied on May 1, 10th (but received no reply) and 24th disputing "just cause" describing discrimination, again, including grounds covered by the BC Human Rights Code,²⁰ as set out in the Master Agreements Article 8.9 Dismissal or Suspension Grievances

"(a) In the case of a dispute arising from an employee's dismissal, rejection on probation, suspension greater than 20 days or suspension for just cause pending investigation, 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 date on which the dismissal, rejection on probation, or suspension occurred, or within 30 days of the employee receiving such notice."

24. The BCPSA had already heard from the Deputy Minister ...

From: Charbonneau, Michelle M PSA:EX
Sent: Tuesday, May 23, 2006 11:02 AM
To: Davies, Nancy PSA:EX
Subject: Munroe

"just dropped off a copy of the letter that Warren Munroe wrote to G. Macatee on May 10/06. In the letter he states that he had informed the BCGEU that he did not agree with the claim of just cause regarding his dismissal. two questions:

1) the Deputy's office is asking for advice in how to respond to this letter and normally I would be cautioning them that as he was pursuing a grievance process - not to get involved.

2) Has your office recd a grievance from the GEU? We haven't heard of anything from the ministry end of it. If it has been filed at arb, would we state that he has gone outside of the grievance process and therefore it's been abandoned?

Michelle Charbonneau
Labour Relations Specialist
Labour Relations Branch²¹

25. Over six months after submitting my grievance to the Deputy Minister (January 30, 2006) the BCGEU sent a form (July 11, 2006). This form was referred to as the beginning of the

¹⁸ Exhibits 28, 31, 34. Also see the letters from the Employer and the BCGEU in February, March, and April 2006

¹⁹ Exhibit 31.

²⁰ Exhibits 38, 42.

²¹ The arbiter was not made aware of this. www.wminfomatics.com/WP/petition/Exhibit40a.pdf.

grievance by the LRB in their decision June 2008.²²

26. Receiving no assistance from the BCGEU in the summer and fall of 2006, I made a submission to the BCHRT including the following grounds: Active, involved, innovative, education, experience [tradesman], team player, results oriented, age [the BCGEU rep asked how old I was because if I was near retirement I would not be represented; Jan O'Brian's called me a tradesman who returned to university late in life], place of origin [rural], sex [male], political belief [democratic], ancestry [racial slurs and profiling; also I filled out the government employment equity form admitting mixed European / Aboriginal ancestry].

27. **The Chair person, Heather MacNaughton, ruled out all grounds except for ancestry.**

"Your complaint does not set out facts that show that the Respondents' conduct could be discrimination in employment based on age, sex, place of origin and political belief." 23

28. After dropping my case at every opportunity, BCGEU representative, Jan O'Brian, suddenly appeared saying I could trust her. She was aware of the BCHRT Chair highlighting ancestry in letters sent from December 2006 to June 2007.²⁴

29. In June 2007, the MLCS argued that arbitration not be allowed to proceed claiming I abandoned arbitration by going down the wrong channel and that this is **"NOT A HUMAN RIGHTS CASE!"** and that if I pursued arbitration I would be financially responsible for the co-workers who I was accused of making fearful (Ms. Rusen, contract lawyer for MLCS).²⁵

30. In October 2007, well over time limits, the arbiter specifically pointed to the May 2006 letters cc'd to the Deputy Minister sent within timelines, as abandoning arbitration.²⁶

"The fact of the matter is that **the grievor wrote** no less than four times **to the Deputy Minister**, the subject of the correspondence being the same as his grievance."

"Did Mr. Munroe "endeavour to pursue the same grievance through another channel"? It is my finding that he did."

31. What? (please read Section 22 and 28 again carefully) ...in other words, **for following the Master Agreement Article 8.9 Dismissal or Suspension Grievances, for providing copies to the Deputy Minister the arbiter ruled the grievor had gone through another channel, and as a result I am not allowed to face my accusers, nor continue with the disclosure of the real matters in dispute.**

²² Fumbling and bumbling by those in positions of authority (similar to the way BC Stats creates population numbers) can not be used to deny a fair hearing, Labour Relations Code, Section 156

²³ January 2007, BC Human Rights Tribunal Case Number 4376. I asked about ancestry not being ruled out but was told my request for a hearing was denied. Lawyers refused to take my case, one saying I look like a whiner after charging me \$3,000.

²⁴ See <http://www.wminfomatics.com/WP/Journal.html>.

²⁵ The stenographers recordings are being withheld by the MLCS. www.wminfomatics.com/WP/FOIJP2a.pdf, but I keep notes of the meeting.

²⁶ Comment: If cc'ing, in reply, to the Deputy Minister (as required by the Master Agreement) describing violations human rights and natural justice can be used to stop a grievance process, Employees must have the right to know. I contend that I was removed from courses regarding the Master Agreement in an effort to keep me ill informed and easily dismissed as well as accused of causing fear without a chance of a fair hearing. Also the arbiter can reasonably be considered dependent rather than independent as he can be removed from a special list of arbiters at the objection of either the BCGEU or the BCPSA.

32. Shortly after the arbiter agreed to impose a block on proceedings, October 2007, Jan O'Brian dropped my case writing "I wish you well in your new endeavours."²⁷

33. Again within time limits, I requested relief, informing the LRB ...

"The **quality** of the work done by the Population Section is at the heart of this issue."

"For example, the use of the change in telephone land lines as an indicator of population change was implemented without proper statistical testing (cell phones makes this indicator suspect), as was the splitting of the municipalities into two groups. Also, the Provincial Electoral District Population Estimates and Projections were created using non statistical methods. Databases were unorganized and incorrectly labeled. The Ministry of Finance changed the migration projection arbitrarily, lowering it 7,000 people below model projections. Since the migration numbers were low for the lower mainland, (7,000 people missing and cell phone use) I was ordered to take people out of Comox/Courtenay and other high growth areas (Kelowna) and told to put them into Richmond and Burnaby (telephone hookups had dropped) and I refused."

34. With no time limits, the LRB supported the block in June 2008, October 2008, June 2009.

"The Applicant grieved his dismissal on July 11, **2007**."

"For the reasons given above I find that the Applicant has not established that the Arbitrator made any reviewable errors. Accordingly, his Section 99 **application is dismissed**."²⁸

35. This report must be corrected to read the grievor was informed April 28, 2006 and grieved the dismissal on May 1, 2006, not July 2007.

36. Over these years, I wrote hundreds of letters²⁹ including the following

From: information@wminfomatics.com
Sent: June 3, 2009 11:39 AM
To:
Subject: discrimination labour law racial slurs mental/behaviour problem dismissal

Hello ,

I was told by my former Employer (BC Stats, Min of Labour and Citizens' Services), (supported by the BCPA and accepted by the BCGEU), that I could not utilize a discrimination / harassment procedure to address accusations that I have a mental / behavioural problem, (that, apparently, made it impossible for people to work with me, making two female co-workers feared for their safety), unless I could prove that I have a mental / behavioural disorder. **Does a person who is accused of having a mental / behavioural disorder have to prove that they have a mental / behavioural disorder to utilize discrimination proceedings?**

To use another example: Does a person who is accused, harassed and dismissed, for being considered a homosexual have to prove that they are a homosexual to utilize discrimination proceedings?

²⁷ <http://www.wminfomatics.com/WP/Journal.html> October 9, 2007

²⁸ See <http://www.wminfomatics.com/WP/Journal.html>, July 2, 2008 G.J. Mullaly, Vice-Chair, LRB

²⁹ See the approximately 50 correspondences since, to those in positions of authority links below, including letters to lawyers and the Minister of Labour and Citizens' Services, specifically showing that mediation and arbitration have been denied on grounds covered by the BC Human Rights Code in contravention of the Canadian Charter of Rights <http://www.wminfomatics.com/WP/Facts6aMLCS1j.pdf>

Has there been a ruling on this?

Warren

37. I received this reply.....

From:
Sent: Wednesday, June 03, 2009 5:16 PM
To: information@wminfomatics.com
Subject: RE: discrimination labour law racial slurs mental/behaviour problem dismissal

No, you can succeed if you can prove you were discriminated against based on a "perceived" disability - this principle has also been applied to those being harrassed for being perceived as gay (see School District No. 44 (North Vancouver) v. Jubran, 2005 BCCA 201 at para 43 & 44)).

38. In June 2009, I contacted the LRB again and received a reply, referring to decisions BCLRB 97/2008 (June 2008) and BCLRB 173/2008 (October 2008), but was told

The conduct you complaint [sic] about occurred years ago, from 2002 to 2007. .. any application under the Code would far exceed any acceptable filing time and could be dismissed on that basis alone.³⁰

39. To be clear, the process I was put through took from March 2005 to October 2008, four months shy of 4 (four) years. Canadians, including British Columbians, including government Employees indeed, any person charged with an offence has the right

- a) to be informed without unreasonable delay of the specific offence;
- b) to be tried within a reasonable time;

40. Dear Minister, you suggested I contact the BCHRT, and I have informed you that I did and described to you the results.

41. You also explain that the person appointed to the position of Minister of LCS has responsibility; however, the people in this position over the years have maintained the block to proceedings.

42. As you can see from the evidence, the deviations from proceedings, set out by the relevant acts, codes, and agreements, can reasonably be seen to unjustifiably block a fair hearing into the real matters in dispute, namely, the real methods by BC Stats to create population numbers for places in BC.

43. Also, the use of "wrong channels" to stop a grievance proceeding, especially referring to copies of a dismissal grievance sent to the Deputy Minister within timelines, as required by the relevant Master Agreement Article (8.9) is far too loosely and broadly applied, making violations of the BC Public Service Act, the BC Labour Code, the Master Agreement, the BC Human Rights Code, and the Canadian Chart of Rights and Freedoms all too easy to be maintained and supported, and therefore, should be addressed.

44. Underlying this inadequacy, and it's support, are the problems that arise from stifling discussion and information exchange in favour of creating fear. These problems result in less reliable information being used in decision making.

³⁰ <http://www.wminfomatics.com/WP/LRB090622a.pdf>

45. Given that the Ministry of Attorney General provides civil legal services to ministries to assist them in fulfilling their business objectives, objectives which must include the purpose of the Public Service Act, in accordance with the rule of law, and is responsible for the province's human rights system, will you please:

- 1) clarify whether this case has been addressed properly,
- 2) and if not, will you please provide clarification on how to proceed,
- 3) and until there is a fair hearing into the real matters in dispute, namely the real methods used by BC Stats to create population numbers,
 - a) may I be considered innocent until proven guilty³¹
 - i) removing from my record "just cause" and "insubordination"
 - b) and may I receive an apology, for having been subject to egregious displays of bad faith.

46. Dear Minister, as you are aware, the Purpose of Public Service Act, is to

"(e) promote harmonious relations of the government and employees and bargaining agents that represent employees in the public service.

47. and we share

"a desire to improve the quality of the Public Service of British Columbia".³²

As you can appreciate, this matter should be addressed as soon as possible.

Sincerely,



William Warren Munroe

cc. Minister of Labour and Citizens' Services, Vince Ready, MLA R. Cantelon, and other interested people.

Links can be found via www.wminfomatics.com/WP/home.html;

for Exhibits see www.wminfomatics.com/WP/petition/petition.html;

Letter to LRB, June 2009 www.wminfomatics.com/WP/petition/CoverLRB.pdf

Letters to the MLCS, September 2010 www.wminfomatics.com/WP/Facts6aMLCS1j.pdf

More evidence is available upon request.

³¹ As per the Canadian Charter of Rights and Freedoms, d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;

³² Master Agreement 13, Article 1.1(b) regarding Quality