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January 31, 2013

Ben Stewart, Minister
Ministry of Labour, Citizens' Services and Open Government
PO BOX 9594 STN PROV GOVT
VICTORIA BC V8W 9K4

Pat Bell, Minister
Minister of Jobs, Tourism and Skills Training and Minister Responsible for Labour
Room 138, Parliament Buildings
VICTORIA BC V8V 1X4

Re: request for continuance to address real matters in dispute: difference regarding the provision of correct citations including methods; methods and models used by BC Stats to create population numbers: disclosure considered harmful to intergovernmental relations or negotiations; audit of BC Stats; 32160 BCPSA BCGEU _Warren Munroe, BC Human Rights Tribunal Case Number 4376, JAG File 392989

Sirs,

As explained in previous letters to you, Mr. Stewart, and to previous Ministers for the Ministry of Labour, Citizens' Services and Open Government, BC Statistics has been disseminating incorrect methods and numbers not only to British Columbians, including community members concerned about the population numbers used to justify opening and closing of public and private facilities, including public school closures, but also Statistics Canada for its assessment of methods for a report to Finance Canada.¹

Unfortunately, taxpayers in British Columbia (BC) are not able to verify nor reproduce the population numbers created by tax funded BC Statistics. Also, the Ministry has determined that providing correct citations is "harmful".

For example the Assistant Deputy Minister, Betty Jo Hughes quoted a "feasibility study" to assert the "integrity" of BC Statistics, but did not provide the reference. My requests for the reference were not answered. Eventually, my request through the Freedom of Information office (May 17, 2012) was denied (June 22, 2012) ...

I am writing further to your request received by the Ministry of Labour, Citizens' Services and Open Government. Your request is for:

The full reference to a 2005 feasibility study prepared by Statistics Canada for Finance Canada as referred to in a November 22, 2011 letter authored by Betty-Jo Hughes.

Please be advised the records you requested are withheld in their entirety pursuant to section 16

(Disclosure harmful to intergovernmental relations or negotiations) of FOIPPA.²

¹ See the letter to Ben Stewart and H. Denis at http://www.wminfomatics.com/WP/Articles/121019/STC_MLCS_2.pdf October 19, 2012

² June 22, 2012, www.wminfomatics.com/WP/Articles/120622/FOI_STC_Finance.pdf

The position I filled as Population Analyst for BC Statistics (January 14, 2002 to February 15, 2006) required a Master's degree from a recognized university, knowledge of statistical methods, with the goal to provide "reliable information" (the stated goal of BC Stats). University Master level graduates are required to provide correct citations and sources including correct methods. The Population Analyst's Graduate Studies advisor, Fraser Taylor (PhD) confirms ...

"I can certainly confirm that all Carleton graduate students are required to provide the sources of any and all sources of any quotation they use in their written work. This is standard academic practice not just at Carleton but in any university in Canada.

As far as statistical methods are concerned we require the highest possible standards and the most rigorous approaches available bearing in mind that all approaches have their strengths and weaknesses.

We require a full discussion of these in any paper presented as part of both graduate papers and especially in a graduate thesis. In your time as a graduate student here I can testify that you fully met our academic expectations in terms of correct citations for your sources as well as in your selection of appropriate statistical methodologies." (December 3, 2012)

This difference between the requirement that I (referred to hereafter as the Population Analyst) provide correct citations on one hand, and the Ministry's determination not to provide correct citations, considering them "harmful" on the other, is another example of the real matter in dispute between the Ministry and the Population Analyst accused of insubordination.

Please be aware, BC Statistics did not provide the correct citation nor the correct methods and numbers to Statistics Canada for an "assessment" for Finance Canada (May 2004 to Feb. 2005) which states ...

"BC Stats produces its CSD-level population estimates using regression methods with specific symptomatic indicators (number of residential electrical connections and Old Age Security (OAS) recipients). For more details on the methodology, see Generalized Estimation System (GES), Small Area Population Estimation Methodology published by BC Stats in 1998 and available on their website." (Conclusions to Finance, p. 63)³

However, from May 2004 to Feb. 2005, BC Statistics did not use these methods sent to Statistics Canada for the "assessment". The August 2011 revision of the 1998 GES methods states:

"After extensive analyses it was later determined that telephone line data (Telus) was a suitable indicator and was subsequently added to the model in 2000. With the availability of the 2001 census and further model development it was indicated that the OAS data were no longer statistically significant and were dropped from the model in 2003." P. 8 GENERALIZATION ESTIMATION SYSTEM (GES) Small Area Population Estimation, Method and Error Evaluation, August 2011, (GES 2011)⁴

Please be aware, BC Statistics' Population Analyst was not informed by BC Statistics' Chief Demographer, Dave O'Neil, nor by the Executive Director, Don McRae, that incorrect methods (1998 GES), and numbers, had been sent to Statistics Canada for the "assessment".⁵

³ www.wminformatics.com/WP/Articles/120618/conclusions_to_finance.pdf

⁴ The Population Analyst asked for the report describing the testing of Telus data, but was told by Dave O'Neil, "DS did the analysis and you are no DS". Nor did Statistics Canada nor members of the Canadian Population Society review the use of Telus data, nor has this study been published for clients and taxpayers to see; therefore, analysis was not "extensive".

⁵ From the Conclusions to Finance "On September 23, 2004, preliminary findings for this component of the feasibility study were presented at the meeting of STC's Federal/Provincial/Territorial Committee on Demography. Some participants questioned the quality of the CSD-level estimates when compared with the official subprovincial estimates (CMA and CD levels). Moreover, the three jurisdictions that are producing CSDlevel estimates (British Columbia, Quebec and the Northwest Territories) asked that their results, based on sources of information specific to their jurisdiction and on more complex methodologies, be considered." Please

Please understand, if the Population Analyst were to speak with Statistics Canada representatives as was likely the case, he would be required to provide the correct methods as per his job description and training.

The Population Analyst received no instructions from BC Statistics' Executive Director or the Chief Demographer on how to answer questions about the methods that may be posed by Statistics Canada.

During the time period, May 2004 through Feb. 2005, and until his dismissal February 15, 2006, the Population Analyst requested assistance to address the problems with the real methods, as well as assistance to address discrimination, including removal from contacts list, removal from responsibility, and the aggressive yelling directed towards him.

Please be aware, the Population Analyst's requests for courses and mediation were denied and instead his was accused by the Chief Demographer of not being able to control his behaviour, making his co-workers feel unsafe.⁶ The specific behaviour that was considered a "problem" was never described.

In order to have mediation and Workplace Skills courses, the Population Analyst was required by the Executive Director, Don McRae, to file a grievance (Dec. 1, 2005). The Population Analyst was required to prove he had a mental disability to proceed with a human rights grievance to address the accusation of not being able to control behaviour, but could not; therefore he was required to go down another channel, misuse of managerial authority (Dec. 6, 2005).

"I asked 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. 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."⁷

After forwarding his request for mediation / Workplace Skills courses in the form of a grievance, describing the dysfunction in the Population Section, including the use of non-statistical and substandard methods (Jan. 30, 2006)⁸, as required, and before the Deputy Minister, Gordon Macette, replied (Feb. 24, 2006), the Chief Demographer - now manager, Dave O'Neil, ordered the Population Analyst to close the window, leave the computer on, gather his belongings, turn in his security pass, and vacate the building (Feb. 15, 2006).⁹

The Population Analyst was ordered to return to work and have an "assessment" (March 6, 2006) and participate in a program designed specifically for employees with performance problems "believed" to be caused by personal problems.

"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." (BCEFAP)

be aware, the Chief Demographer/Shop Steward, Dave O'Neil, took the position of Population Section manager in 2003. Gordon Macette changed the competition thus ensuring Dave O'Neil of the manager position. Mr. O'Neil attended the September 23, 2004 meeting with STC as the BC representative. The Population Analyst specifically points to October 2004 in his grievance as when antagonism / discrimination increased.

⁶ October 13, 2005 meeting with Carol Gore (BCPSA HR), Cathy McCallum (BCGEU), Dave O'Neil (Chief Demographer) and the Population Analyst (the Author) who requested the Work Place Skills courses suggested by Carol Gore.

⁷ www.wminfomatics.com/WP/petition/Exhibit13.pdf, pgs 10 to 14

⁸ www.wminfomatics.com/WP/Petition/Exhibit18.pdf, www.wminfomatics.com/WP/petition/POPSECHIST.pdf. The grievance requesting mediation included descriptions of data mismanagement, incorrectly labelled tables, municipalities coded incorrectly, some missing, some included twice with wrong codes etc.

⁹ The details of the dismissal, including the accusation of a mental disability and the requirement to accept counselling and an assessment are summarized (again) in a letter to the Attorney General (July 20, 2012) \WP\Articles\120704\MinJust41.pdf.

The Population Analyst had an exemplary work record having reduced error, time and cost, initiated championed and helped design the successful estatsBC project, and the LIQUIDS database with no unsatisfactory performance; nonetheless, during a phone call from Mr. McRae, and in discussions with the BCGEU, he was required to participate in the BCEFA Program or he would be dismissed.

"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)¹⁰

For insisting on mediation (again) and not submitting to an inapplicable "assessment" (how would focusing on a statement by a manager regarding lack of control of behaviour address the use of non-statistical and substandard methods described in the grievance to Gordon Macette?) Gordon Macette dismissed the Population Analyst for insubordination (letter sent directly to the Population Analyst's home, April 28, 2006).

"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.

To summarize:

1. Gordon Macette endorsed Don McRae's request to change the Population Section manager position posting from open to outside competition to only BC Stats' personnel, thus ensuring Dave O'Neil would take the manager position.
2. The Ministry of Labour, Citizens' Services and Open Government, and its representatives, Dave O'Neil, Don McRae, and Gordon Macette:
 - a) did not publish, nor provide the correct references to the real population methods (GES) changed many times between 2001 and 2011,
 - b) did not provide Statistics Canada with the correct references to the real methods used during the assessment period May 2004 to February 2005,
 - c) did not inform BC Stat's Population Analyst that Statistics Canada was given incorrect methods and numbers during the assessment period May 2004 to February 2005,
 - d) accused BC Stat's Population Analyst (January 14, 2002 to February 15, 2006) who raised concerns about the real methods, as well as concerns about the workplace environment, of having an unspecified "behavioural problem",
 - e) refused to recognize the problems with the real methods, as well as concerns about the workplace environment, described by BC Stat's Population Analyst (January 14, 2002 to February 15, 2006),
 - f) refused to allow BC Stat's Population Analyst (January 14, 2002 to February 15, 2006) to participate in the Work Place Skills and Master Agreement courses designed to improve work place harmony,
 - g) dismissed BC Stat's Population Analyst (January 14, 2002 to February 15, 2006) on February 15, 2006 while his grievance was before Deputy Minister, Gordon Macette,

¹⁰ See that this statement was removed from the letter submitted to Vince Ready used in his determination to agree with the Ministry of Labour, Citizens' Services and Open Government to not allow arbitration to proceed, www.wminformatics.com/ WP\Petition\petition.html exhibits 43 and 44.

h) required BC Stat's Population Analyst (January 14, 2002 to February 15, 2006) to return to the Population Analyst's position and have an "assessment" and participate in the BCEFAProgram,

i) this program would not address the real matters in dispute, namely the use of non-statistical and substandard methods and models,

i) refused to allow BC Stat's Population Analyst (January 14, 2002 to February 15, 2006) mediation instead of having an "assessment" and participating in the BCEFAProgram,

j) dismissed BC Stat's Population Analyst (January 14, 2002 to February 15, 2006) who raised concerns about the real methods, as well as concerns about the workplace environment, for not participating in the BCEFAProgram,

3. The Ministry of Labour, Citizens' Services and Open Government, and it's representatives, including Gordon Macette imposed a block to the legally protected grievance proceedings thereby stopping continued disclosure of the real matters in dispute.

The actions of the Ministry of Labour, Citizens' Services and Open Government, and it's representatives, Dave O'Neil, Don McRae, and Gordon Macette demonstrate that the Population Analyst was subjected to discrimination, including dismissal and denial of mediation and arbitration, because Ministry of Labour, Citizens' Services and Open Government, and it's representatives, Dave O'Neil, Don McRae, and Gordon Macette did not want the Population Analyst to inform Statistics Canada, nor taxpayers, about the real methods used by BC Statistics as required.¹¹

The importance of the concerns raised herein are understood throughout the BC government, including the Auditor General's Office:

"The concern that you raise about quality assurance interests us because it is one of the key indicators for organizations whose work must be credible as a source for others to rely on." (Michael C. Macdonell, MBA, CA Assistant Auditor General, Dec. 4, 2012)

Sirs, the BC Minister of Justice has confirmed, May 23, 2012, (WP\Articles\120528\MinJustReply3.pdf)

"This is a matter that falls within the responsibilities of the Minister of Labour, Citizens' Services and Open Government."

Given that the Minister responsible for Labour has 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) (c)

... will the Minister please:

a) clarify whether this case has been addressed properly,

Also, given that the Minister responsible for Labour has the authority to ...

"Make appointments of mediators, industrial inquiry commissions, and/or special officers to assist parties in resolving their labour relations disputes." Guide to BC Labour Code, www.wminfomatics.com\WP\MinL&CS10b.pdf

... will the Minister please

a) make appointments to assist in resolving the labour relations disputes
b) allow a fair hearing (long overdue) to address the real matters in dispute (some of which are described herein) to proceed
c) and if not, will you please provide clarification on how to proceed,

¹¹ Including Don McRae's decision to include the very problematic change in the number of telephone landline hook-ups (Telus) as an indicator of population change, as well as other non-statistical and substandard methods and practices.

Given that the Ministry responsible for BC Statistics claims “to provide top quality services”¹² and that BC Statistics provided incorrect information to users of BC Statistics’ population numbers

- a) may the users of BC Statistics information receive
 - i) corrections
 - ii) an apology
- b) may changes to BC Statistics methods be
 - i) open to peer review prior to implementation (as is done by Statistics Canada’s Demography Division)
 - ii) published prior to dissemination of numbers generated using the changed methods
 - iii) open to review, verification, and reproducible

Until there is a fair hearing into the real matters in dispute, namely the methods used by BC Statistics to create population numbers, may the Population Analyst

- a) be considered innocent until proven guilty¹³
 - i) removing “just cause” and “insubordination” from records
- b) receive an apology
 - i) with recognition of the role of the Ministry in creating the work place environment experienced by the Population Analyst

Dear Ministers, as you are aware, a purpose of Public Service Act, is to

“promote harmonious relations of the government and employees and bargaining agents that represent employees in the public service.

... and we share

“a desire to improve the quality of the Public Service of British Columbia”.¹⁴

Please understand, problems with the statistical methods could have been easily corrected as early as 2002. Instead of correcting the statistical methods, the Ministry, as well as BCPSA, and BCGEU representatives chose to exercise their ability to subject an Employee, BC Stats’ Population Analyst from January 14, 2002 to February 15, 2006, who provided easily implementable solutions to an egregious display of bad faith, discrimination, and wrongful dismissal.

If the Population Analyst had been dismissed due to differences regarding methods and practices, including differences between whether to provide correct citations on the one hand and the Ministry’s justification to provide incorrect citations, or not to provide citations, the Population Analyst would not have had to spend a good portion of the last 7 (seven) years dealing with the Ministry’s violations of the procedures as set out in the Master Agreement, and requesting arbitration to address the wrongful dismissal after being forced into an inapplicable procedure, channel, program and “assessment”.

As you can appreciate, this matter (long overdue) must be addressed as soon as possible.

Yours truly,



William Warren Munroe

cc: Angelo Cocco, BC Stats, Executive Director; Shirley Bond, BC Minister of Justice; John Doyle, BC Auditor General; Ron Cantelon, MLA; Margaret MacDiarmid, former Minister; Vincent Dale, Statistics Canada; Johanne Denis, Statistics Canada, BC MLAs, Finance Canada

¹² Ministry’s 2012/13 - 2014/15 SERVICE PLAN, www.bcbudget.gov.bc.ca/2012/sp/pdf/ministry/lctz.pdf

¹³ 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

¹⁴ Master Agreement 13, Article 1.1(b) regarding Quality