

William Warren Munroe
763 Beach Road
Qualicum Beach, BC
V9K 1S2
June 30, 2010

HONOURABLE MARY MCNEIL
Minister of Citizens' Services
PO BOX 9068 STN PROV GOVT
VICTORIA BC V8W 9E2

HONOURABLE MURRAY COELL
Minister of Labour
PO BOX 9052 STN PROV GOVT
VICTORIA BC V8W 9E2

Regarding unresolved grievance.

Honorable Ministers,

Continuing with previous correspondence (March 2005 to May 2010), please consider this to be another formal request for relief in the form of a continuance to allow arbitration before an impartial board, with fair representation, on grounds regarding differences / violations of the 13th Master Agreement between the Government and the Union (BCGEU); the Public Service Act (BC); the Labour Code (BC); the Human Rights Code (BC); the Charter of Rights and Freedoms (Canada).
(www.wminfomatics.com/WP/Home.html)

Please recall that after I asked for assistance to address the aggressive and discriminatory behavior directed towards me by all members of the Population Section of BC Stats, I was informed by the manager, Dave O'Neil, in front of Carol Gore (HR) and Cathy McCallum (BCGEU) in October 2005, that the aggressive and discriminatory behavior was acceptable because I was considered to be "passive aggressive".

My many requests for mediation were ignored, in contravention of the Labour Code of BC, Section 2 (h) which "encourages the use of mediation as a dispute resolution mechanism." and I was informed that I was required to file a grievance.

I submitted a grievance of a human rights violation on the grounds that the discrimination I was subjected to was justified because I was said to have a mental disorder, one where I was said to be incapable of controlling my behavior (December 2005). Exactly, what behavior could I not control?

I was informed by Carol Gore and Don McRae that I would have to prove that I have a mental disorder in order to proceed with my grievance of a human rights violation (December 2005). Also, Mr. McRae (Director of BC Stats) was given legal advice stating that I had to prove that I have a mental disorder to proceed with my human rights grievance. This is not correct.

The Employer, the BCPSA and BCGEU representatives should have been aware of the School District No. 44 (North Vancouver) v. Jubran, 2005 BCCA 201 ruling from the Court of Appeals. The discrimination was in contravention of the BC Human Rights Code Sections 4, 13, and 14. (www.wminfomatics.com/WP/petition/CoverLRB.pdf)

Carol Gore claimed that an Abuse of Managerial Authority grievance was to be used if I could not prove that I have a mental disorder and that this procedure was essentially the same as a human rights grievance. I described the discrimination and the allegation of a mental disorder to the Deputy Minister (January 31, 2006) who found that it was not an abuse of managerial authority; therefore, there would be no resolution (February 24, 2006).

I contend that my allegation of harassment and discrimination was not dealt with appropriately by the Employer, its representative and the bargaining agent, in contravention of the Master Agreement, Article 32.15 Paragraph 3 (Abuse of Managerial Authority),

“Where the allegation is based on a matter for which another dispute resolution mechanism exists, then this process shall not be utilized.”

I contend that the discrimination I was subjected to, including: being denied training to promote harmony and cooperation, as well as mediation; harassment for reducing error, time and cost; racial slurs; and dismissal was in contravention of the Public Service Act Section 2,

“The purposes of this Act are to (a) facilitate the provision of service to the public in a manner that is responsive to changing public requirements, (b) recruit and develop a well qualified and efficient public service that is representative of the diversity of the people of British Columbia, (c) encourage the training and development of employees to foster career development and advancement, (d) encourage creativity and initiative among employees, and (e) promote harmonious relations of the government and employees and bargaining agents that represent employees in the public service.”

Please recall that I took many courses while employed by BC Stats, however, the only courses I was not allowed to take (by both the BCPSA and the BCGEU) were ones designed to encourage harmony in the workplace. Also, I would like to restate here, during a consulting course, my partner and I were the only ones to successfully complete a communications test. See April 2005 on www.wminfomatics.com/WP/Journal.html.

I contend that the accusations, and acceptance of the accusations, that I have a mental / behavioral disorder and that I made a co-worker, revised in June 2007 to two female coworkers, fear for their safety, and the dismissal were an attempt to coerce, threaten, and intimidate me, because I would, and eventually did, file a complaint, and was participating in proceedings covered by the Labour Code, was in contravention of the 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”.

In the package sent to me in October 2009 (Freedom of Information), I was able find out for the first time that Don McRae considered me to not be aggressive but rather “intense”. What behavior exactly was it that Mr. McRae considered objectionable?

Also, I should have been informed of the specific behavior that justified Mr. McRae’s requirement that I accept counseling in order to be able to return to work after my dismissal on February 15, 2006 which occurred while my grievance was before the Deputy Minister submitted on January 31, 2006, wherein I requested mediation. As mentioned, I insisted on a resolution to the accusation of making a co-worker fear for her safety before resuming meetings with her again on February 15, 2006, which was refused and instead I was dismissed. Why was mediation denied?

Also, please be aware that by informing the Deputy Minister of the discrimination on grounds covered by the Human Rights Code, well within time limits, I was found (by a dependant arbitrator, October 2007) to have sought “other channels” and therefore, not allowed arbitration. This ruling is in contravention of the Human Rights Code, Master Agreement, Labour Code, and Public Service Act. The BC Human Rights Code states Section 4

“the Human Rights Code prevails over other enactments, if there is a conflict between Codes”

And Section 13. (1)

“A person must not (a) refuse to employ or refuse to continue to employ a person, or (b) discriminate against a person regarding employment or any term or condition of employment in particular because of the race, ancestry, place of origin, political belief, sex, sexual or age of that person”.

And Section 14

“A trade union, employers' organization or occupational association must not (c) discriminate against any person or member because of the race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age of that person or member”

Please recall I was required to inform the employer of my mixed ancestry in a form issued and collected by BC Stats. This information should not be used to discriminate, including harassment and a wrongful dismissal, and deny fair treatment. As mentioned many times, this is a problem that needs to be addressed before other people are subjected to a similar experience.

As I have described many times, the racial profiling and slurs included statements such as “the problem with Indians is their enjoyment of cheap wine”; “the increase in the number of people stating they have mixed aboriginal ancestry is because they just saw “Dances with Wolves” or they are looking for a hand out”, and the manager of BC Stats Population Section stating that he had worked with an Aboriginal once, but that “he was hard to work with and encouraged to leave” ... etc. Informing the Deputy Minister and the BCGEU of racism should not be used to deny a fair hearing.

As mentioned, the dysfunction in the work environment extended into the work done by the Population Section. As mentioned, many clients have received unreliable information from BC Stats, including BC Hydro, ElectionsBC, the Ministry of Health and Education etc. May I suggest, clients should ensure that future contracts for population forecasts be done by organizations that maintain statistical standards and that clients of BC Stats should be provided with the raw data (without reference to individuals, which is how BC Stats gets the data from Telus, BC Hydro, and Fortis), to allow verification.

As mentioned, I provided many easily implementable solutions to improve the reliability of the official population statistics and reduce time and cost, many of which were adopted at first but later were considered “confrontational” as stated by the contract lawyer for the BCPSA, June 22, 2007. At this meeting, I was also accused of being bad at my job. What exactly did I do wrong? My work review showed that I met and exceeded expectations and I had an excellent work record.

I honestly thought that an honest effort would be made to address the discrimination (first requested in October 2004). I honestly thought that by providing solutions I would be accepted. Instead, an effort was made to discredit me both as an analyst and a team player.

My request for arbitration resulted in a duplicitous charge against me (seeking other channels) which covered up a human rights violation and also the violations of the Public Service Act, the Labour Code, and the Master Agreement.

As you can appreciate, I look forward to finding a constructive resolution to this "important" issue as soon as possible. To this end, I continue to request a fair hearing before a neutral, independent board, into the real matters in dispute, with fair representation. See <http://www.wminfomatics.com/WP/home.html> for more information.

Yours truly,



William Warren Munroe

cc. ElectionsBC, Official Opposition critics, Statistics Canada, Ministry Of Aboriginal Relations And Reconciliation BC, Truth and Reconciliation Commission of Canada, BC Mental Health Assoc., WorkSafe BC