



BCGEU

B.C. Government and Service Employees' Union

A component of NUPGE (CLC) www.bcgeu.ca

June 28, 2006

PRIORITY COURIER

Mr. Warren Munroe
763 Beach Road
Qualicum Beach, BC V9K 1S2

Dear Brother Munroe

Re Your correspondence to BCGEU President George Heyman

I am the BCGEU Regional Coordinator for Vancouver Island and the issues you have raised were referred to me for review as outlined in Mr. Heyman's letter of June 2, 2006 and received at the BCGEU Victoria Area office June 7. I apologize for the inadvertent delay (e.g. due to my pre scheduled vacation and "out of town" work assignments) in providing you with an immediate response to your enquiries.

I have confirmed that you have, what I categorize as three (3) areas of concern. More specifically:

- (1) a 32.15 complaint filed on or about December 20, 2005;
- (2) a suspension grievance March 30, 2006; and
- (3) your termination by the Ministry of Labour and Citizens Services on April 11, 2006.

In summary, the 32.15 complaint (e.g. you allege, in an extensive complaint, that you were accused of doing things wrong; you were bossed around and yelled at by co-workers; etc) was investigated and the employer proposed some initiatives as a possible resolution to some of your concerns expressed in the complaint. You took exception to the employer's proposed resolution. As a result of your objections, the complaint was processed by C. Jones to the Deputy Minister on February 1, 2006. In the meantime, the resolution proposed at the local level was put on hold pending receipt of the Deputy Minister's review. On or about February 13th, you asked about being transferred and you indicated that you "have had to make plans to move my family since October 13, 2005". On February 24, 2006 the Deputy Minister found no evidence to support your complaint of "misuse of managerial/supervisory authority." The BCGEU wrote to you following receipt of the Deputy Minister's response asking you to contact the union to review the complaint. No response was received from you.

In late February, the employer asked you to attend a meeting with your co-workers to review some work projects. You indicate in writing that you "refused to attend this meeting" and state that you "will not continue to work in a negative, abusive, demeaning work environment where overt and subtle forms of abuse are considered acceptable." From this point forward there are a number of work incidents that occur. In brief, you ignore your manager and his directions; you refuse to attend meetings as required by your employer. You are warned that your continued behaviour will result in discipline. I note that you were in contact with the shop steward at your worksite throughout this period of time. The employer met with you on February 21st where they outlined their clear expectations regarding the need to take direction from your manager; report to work daily and perform the duties of your job. It appears that you responded by stating that you were not going to go back and you went on to tell the employer to do what they have to do. Following this meeting you did not return to work but rather you left the building. The employer

Page 2

advised you that this type of behaviour is unacceptable and that you were insubordinate. The Ministry then issued you with a five day suspension from February 28 to March 6.

After a number of failed attempts by the union to contact you to discuss the complaint and the suspension, you filed a grievance regarding the suspension on March 30, 2006. Your five day suspension grievance was subsequently assessed by Cheryl Jones, BCGEU Staff Representative. You were provided with written reasons explaining why she did not feel the BCGEU could go any further with your file (re letter dated April 6, 2006 - confirmed delivery on April 24/06). In addition, I note that you were properly advised of your right to appeal her assessment, as required under the BCGEU Constitution and Bylaws. You did not appeal C. Jones decision and your 5 day suspension grievance was subsequently concluded on May 2, 2006.

I will now discuss in general terms the issue of your termination. A review of your file in conjunction with my discussions with both Cheryl Jones and our administrative support staff who also attempted to contact you, in Cheryl's absence, on a number of occasions, confirm that the BCGEU made many attempts to communicate with you on this matter, with no initial success and/or reply from you. Regarding the reasons for your termination, this occurred following your refusal to participate in meetings with your employer at the worksite and then your subsequent refusal to return to work even though your steward, Cheryl Jones and your employer warned you repeatedly that your continued refusal would likely result in your employment being terminated. The Deputy Minister terminated your employment by letter dated April 11, 2006.

By letter dated May 1, 2006 you also confirm that you refused to meet with the employer. You advised that due to your suspension and continued threats of suspensions you made a personal decision to take your children out of school and move. You indicated that you are now unpacked and settled into a healthy routine. In this letter you stated that "I dispute the dismissal and the "just" case allegation." You go on to advise that a policy should be written regarding the handling of personal harassment issues as the language presently in the Agreement does not adequately address bullying. You advise C. Jones that you want an apology from management and "have the records show that I was wrongfully dismissed" and you wanted to have your moving costs paid (eg when you moved your family from Ottawa in January, 2002).

At no time in your May 1st correspondence did you advise the BCGEU that you want to file a grievance. Stating that you "**dispute the dismissal**" is not the same as confirming your wish to pursue it through the negotiated grievance procedure. I note that you advised the steward on a number of occasions that you had no intention to return to work; you moved your family to Qualicum Beach prior to your termination, and the only remedy you ask for is a letter of apology and payment of four year old moving expenses. Following receipt of this letter on May 4th the BCGEU once again made a number attempts to contact you to clarify your intent, to no avail.

On May 18th the BCGEU received another letter from you (although it is dated May 10th) with copies of a letter you sent to G. Macattee. Again you state that you want an apology and moving expenses reimbursed. During this period of time the BCGEU emphasized that we must speak with you as soon as possible as there are time limits involved if you wish to pursue a termination grievance. Without intending to belabour the matter, I again note C. Jones called you and tried to receive some clarification on what your wishes were in regards to your termination. She advised you that an apology is not a remedy we achieve through grievances and we would not be able to obtain reimbursement of moving expenses which occurred four years ago.

Page 3

In late May C. Jones not only provided you with an additional detailed review of all your issues, she also enclosed a grievance form for you to sign as soon as possible. To date the BCGEU has not received a signed grievance from you regarding your termination.

To be absolutely clear, I must advise you that we are well beyond the thirty (30) days in which to file a grievance (eg as you were advised previously) however, the BCGEU will file the grievance and deal with the preliminary timeliness issues at a future date IF you wish to file a grievance. The "usual" remedies sought when we file termination grievances are: To Rescind the termination and reinstate the employee. To be made whole.

It would be very helpful to the BCGEU if you would respond to all of my questions outlined below , as soon as possible:

- (1) Do you want the BCGEU to file a grievance with the above referenced remedy outlined?
If yes, please sign the attached grievance form and return it immediately to the BCGEU in the pre-paid envelope enclosed.
- (2) As a remedy to your grievance, do you wish to return to your position with the Ministry of Labour & Citizen Services?
If you do not wish to return to the Ministry, what specific remedy are you seeking?
- (3) Do you understand that we will not obtain an apology and/or 4 yr old moving expenses as remedy to this grievance (should you wish to file one)?

Finally, as you do not seem to dispute the fact pattern that occurred at the workplace which led to your termination, I want to confirm that based on your behaviour and actions at work in February and March, in conjunction with additional information that I have reviewed to date, it would be extremely difficult if not impossible to be successful before an arbitrator in obtaining your reinstatement. That does not mean that we will not pursue your issues and make every attempt to achieve the best possible outcome. In particular, if there were medical reasons for your actions; mitigating factors that we are unaware of or any additional new information that you believe would assist us in arguing your case please provide it to us with your grievance form.

It is also important, should we proceed with a grievance, that you can prove you have made attempts to mitigate your employment/wage loss since your termination.

I acknowledge your expressed frustration and encourage you to respond to my questions at your earliest opportunity.

In solidarity



Janet Seccia
Regional Coordinator

JS:mfs Cope 378

Encl.