

THE PROFESSIONAL

Professional Employees Association Volume 46 Issue 1

BC's Union for Professionals

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PRESIDENT'S MESSAGE

It's that time of year when life is extremely busy across all fronts and facets. The kind of busy where I'd be lying if I said it was easy to put together this message. There is just so much going on.

Yet for me, and hopefully for many of you, the saving grace is by the time this message gets to print, we'll all hopefully have benefited from a break during the holiday season. If not, I suspect you made good headway on that to-do list by taking advantage of a quiet workplace. I also hope you have some rest time planned soon.

Looking back on 2019, I'd like to thank the PEA staff and all of our member volunteers for their commitment to the health and heart of our union. The executive team has witnessed firsthand your skills and commitment and we are thankful. Thank you for your continued contributions to the PEA—your work is appreciated and valued.

The PEA executive, your local reps, committee volunteers and chapter executives were busy this past year. Strategic planning at the PEA, local rep training, pizza lunches and webinars, committee work, and chapter AGMs are just a few of the things we achieved.

Thank you to the University of Victoria chapter, who gave me the opportunity to learn more about chapter governance and priorities by inviting me to attend their AGM. And thank you to both Melissa Doyle and Katy Chan for volunteering their professional skill sets in the delivery, design and support of strategic planning.

Our executive and PEA staff also spent a day digging in deep with Stacey Holloway, who skillfully helped us develop nine key principles to guide our work together.

I'm happy to share that open and honest communication, respect, integrity, inclusiveness, solidarity, equity, accountability, collaboration, and FUN are now the fundamental principles we will uphold for the continued success of the PEA.

I'd like to call attention to that last principle—because who couldn't use a little fun in their day!

Speaking of fun—this year's education conference is guaranteed to be full of all of the above. Be sure to submit your expression of interest to attend and I hope to see you in Victoria on May 1 and 2. Until then, wishing everyone all the best for the year ahead.



TOP: LSS staff lawyers, Lisa Sturgess, Adina Du Plessis, and Jeremy Orrego on the picket line November 1. Photo credit BCGEU.

ABOVE LEFT AND RIGHT: GLP members Tom Yacysen and Julie Sheppard at PEA local rep training:

ON THE COVER: LSS staff lawyers, Stephanie Hodgson and Jeremy Orrego

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FIGHTING FOR DIVERSE PROGRAMMING

LIBRARIANS PROTECT PROFESSIONAL AUTONOMY

WORDS BRETT HARPER

PHOTOS MICHAL UTKO, ORL

On November 20, the Okanagan Regional Library (ORL) Board put an end to a divisive policy proposal from the CEO.

The proposal came after a new storytime at the Kelowna branch was introduced. Drag Queen Storytime was held on September 16 and featured drag queens reading stories to children and their parents. The event saw record participation. Days after the event, a memo and proposed policy by the CEO was included in the ORL board package.

“A controversial and potentially very divisive storytime program has arisen within the ORL,” read the memo. “The announced program, while claiming to be promoting diversity and acceptance, will be offensive to a significant segment of our society.”

The proposed policy would seek a “middle of the road” or “neutral” approach to program policy that would “avoid controversial and/or potentially divisive community issues.”

There were two major problems. First, the policy and the memo were a direct assault on diversity and inclusivity. Much of the language used in the memo was insensitive and dated. The attempt to scale back inclusive programming would set a negative precedent for the library. Second, the policy sought to limit the professional autonomy of librarians. ORL librarians have masters of information science or library science and are entrusted to build programs that meet the needs of their community.

The suggested policy would restrict the librarians’ ability to provide a diverse range of programming and give the CEO power to censor programming based on his personal definition of “neutral.”

Normalize
Diversity





The PEA represents 26 ORL librarians, most of whom sported buttons and organized against the proposed policy. They wrote letters and encouraged citizens, community groups, and other organizations to provide input to the library board. Around 350 submissions were received by the board, on both sides of the issue.

At its November 20 meeting, the ORL board decided to leave the children’s programming policy alone and entrust professional librarians to make appropriate decisions for their communities.

In a TV interview on Global News, Loyal Wooldridge, a library board trustee, stated: “Essentially it comes down to professional autonomy, so we believe that head librarians in communities throughout the region know their communities best to choose the programming that’s appropriate.”

Former ORL chapter chair Barbara Jo May also spoke to Global News: “Obviously these programs were advertised that storytime was going to be done by a drag queen. And families decided to come.”

Okanagan Regional Library chair Karla Kozakevich, speaking as an individual in an earlier CBC interview, stated that the library should be offering a variety of programs for children and that it’s ultimately the parent’s decision whether to bring their children to the program.

Members of the library management team, including the CEO, were ordered by the board to undergo sensitivity and diversity training. The CEO was also directed to send out an apology letter to staff.

Days before the board meeting, a planned second Drag Queen storytime was held, and over 300 people attended.

The Kelowna Branch will be launching a Community Readers program in 2020 designed to share stories that reflect the community and celebrate inclusion and diversity.

The new program has three goals: to provide equity, to ensure intellectual freedom and to build community. Another Drag Queen Storytime will be part of this broader program.

BC'S FRONT LINE LEGAL AID LAWYERS IGNORED

THE FOLLOWING OP-ED RAN IN THE
VANCOUVER SUN ON OCTOBER 28, 2019

WORDS SCOTT MCANNELL

PHOTOS BRETT HARPER & JORDANA WHETTER

Legal Services Society (LSS) staff lawyers comprise the most important point of contact for vulnerable British Columbians who need legal aid. And their concerns are being ignored by the BC government.

These 26 LSS staff lawyers serve the front lines of justice for those most in need across our province. It's a significant responsibility shouldered by a small group of dedicated people. LSS staff lawyers are the difference between a vulnerable individual pleading inappropriately in a complex and overwhelming process, and that same individual receiving comprehensive legal representation that protects their interests and rights.

LSS staff lawyers are the people who make sure British Columbians can access justice, regardless of income. If you and your children are fleeing domestic violence, if you're a refugee trying to find security in Canada, or if you've been charged with a crime and you don't know where to turn, they are the ones who make sure you are treated fairly in the court system.

Without the LSS staff lawyers, low-income British Columbians facing a legal challenge would have to take on a complicated and expensive justice system all on their own. As former Supreme Court Chief Justice Beverley McLachlin said, "There is no justice without access to justice."



These staff lawyers are the first point of contact for individuals seeking legal aid, and they oversee the legal aid cases that are referred to contract lawyers working in private practices. They are also the ones managing and staffing the ten Parent Legal Aid and Regional Legal Aid Centres throughout the province.

BC Attorney General David Eby agreed to a 25 per cent wage increase in March 2019 for BC's 1,000 legal aid contract lawyers. Additional wage increases over the next three years were announced earlier this month. In contrast, LSS staff lawyers have been offered a 2 per cent annual increase over three years. That is not enough.

Without higher increases, legal aid centres throughout the province will continue to face challenges in recruiting and retaining qualified lawyers. Historically, LSS staff lawyers' salaries were consistent with those paid to Crown Counsel lawyers employed by the province. After years of underfunding, LSS salaries are now 30 per cent lower than those

of Crown Counsel. This differential will drive good people out of the legal aid centres and convince the next generation that it's better to become a contract lawyer in private practice or work elsewhere in the legal system than it is to work as a legal aid staff lawyer.

That's why LSS staff lawyers have taken the difficult step of voting in favour of strike action. Every day, the LSS staff—mostly women and Indigenous lawyers—do everything humanly possible, with limited resources, to make sure disadvantaged people are treated fairly in the justice system. BC has reached a tipping point.

More than a decade of underfunding combined with significant cuts made by the previous government have added up. BC ranks tenth in Canada for per capita legal aid funding and lags behind Ontario, where Premier Doug Ford cut \$133 million from Legal Aid Ontario this fiscal year. Who loses with a system like this? BC's most vulnerable citizens.



ABOVE PEA Labour Relations Officer, Sam Montgomery speaks to members, allies and media during the LSS rally and one-day picket of Legal Aid headquarters on November 1

ABOVE LEFT LSS staff lawyer, Harshada Deshpande on strike

The BC government has an opportunity to repair the damage that's been done and lay the groundwork for sustainable legal aid services. After years of cuts, it's time to reinvest in the most important front line legal aid services and the LSS staff lawyers who provide them.

Legal aid staff lawyers do not take their strike vote lightly. They care deeply about British Columbians accessing legal aid, but they are determined to secure a fair and equitable contract with wages that can sustain effective legal aid throughout the province.

We are calling on the government to negotiate a fair and equitable collective agreement. This is an opportunity to keep legal aid sustainable and retain and attract good people to help BC's most vulnerable.


We believe all British Columbians should be afforded the same access to justice.



WHISTLEBLOWER PROTECTION

PUBLIC DISCLOSURE ACT
TAKES EFFECT

WORDS PAUL WILLCOCKS



Until recently, BC government employees have been in an impossible situation when faced with actions that were illegal or in conflict with the public interest or their professional obligations.

There was no process for raising concerns about wrongdoing and no protection from reprisals. Employees had to decide whether—and how—to take on the significant risks involved in raising concerns and becoming a “whistleblower.”

British Columbia and the Northwest Territories were the only Canadian jurisdictions without laws to protect employees who raised ethical or legal concerns about government actions. That’s changed. The Public Interest Disclosure Act (PIDA) was passed by the legislature and was expected to take effect before the new year.

The goal, Attorney General David Eby told the legislature, is to “encourage employees to report serious wrongdoing by protecting them from reprisals associated with such reporting.”

The Professional Employees Association has long campaigned for such whistleblower protection. Executive Director Scott McCannell has noted that the 2014 Mount Polley mine disaster in BC was a clear example of the risks involved in removing government oversight and the importance of protecting the independent work of public sector professionals.

The public interest is protected when employees are able to raise concerns about wrongdoing and have confidence that their concerns will be properly investigated and they won’t face reprisals, McCannell said.

The new BC process comes as whistleblowers have been much in the news. The revelations of a whistleblower in the US government has shaken the Trump presidency. Closer to home, the investigation into a spending scandal at the BC legislature revealed that people who had tried to raise concerns faced reprisals, including job losses.

In addition, an investigation by the Office of the Ombudsperson into the wrongful firing of health ministry employees in 2012 uncovered serious mishandling of the initial concerns raised by a government employee. The report called for “a clear and comprehensive scheme for handling so-called ‘whistleblower’ complaints.”

The BC legislation, Eby said, was drafted after considering similar protections around the world and incorporated best practices. Its provisions include:

- Any current or past employee is protected from reprisals if they raise good-faith

concerns about illegal acts, risks to public safety or the environment, misuse of public funds or “gross or systemic mismanagement.”

- Ministries and government bodies are required to appoint a manager who will handle employees’ reports of possible wrongdoings, establish a process to review complaints and report annually on the number of disclosures and the outcomes.

- Employees considering raising a concern may seek advice from their union or employee organization (the PEA) Professional Employees Association in our case—a lawyer, their supervisor or the ombudsperson.

- If they decide to go ahead with their report, employees have three options. They can raise the issue with their supervisor or with the ministry’s designated manager under the act, or they can take it outside the ministry to the ombudsperson.

- Complaints can be anonymous, but must be in writing and include a description of the wrongdoing, the name of the alleged wrongdoer and the offence date.

- All complaints are to be investigated.

- Employees will have some protection from reprisals for any good faith complaint about wrongdoing.

At this stage, the legislation does not cover contractors. And it applies only to government ministries, although the government has said protection will be extended to health authorities, Crown corporations, local governments, and school districts at some future date. It also provides very limited protection for whistleblowers who choose to go public with their concerns.

Protection from reprisals is only extended if there is “an imminent risk of a substantial and specific danger” threatening health or the environment, and only after the

person has raised concerns with authorities like the Provincial Health Officer or police.

Eby said allowing employees to take complaints to the Office of the Ombudsperson ensures an independent review.

“Public servants have access to incredibly sensitive documents,” Eby said. “We want people to be able to provide those sensitive documents to someone who is independent, but to release them publicly might bring legal liability or it might be defamatory.”

Ombudsperson Jay Chalke says jurisdictions that have had whistleblower legislation in place for some time are reporting big increases in the number of cases being reviewed.

“Awareness of whistle-blowing has dramatically increased over the past year,” Chalke told the legislature’s finance and government services committee in October. “Over that period of time, public sector wrongdoing in BC, in part arising from revelations from this building, but also from high-profile whistle-blowing in the United States, has resulted in whistle-blowing being in the news weekly, if not daily.”

In Alberta, public interest disclosure complaints jumped 66 per cent last year. In Quebec, they increased by 35 per cent. Federal protection has been in place for 12 years, and last year the public service integrity commissioner handled a record number of disclosures and complaints about reprisals.

Chalke is anticipating big demand when the legislation takes effect. He told the finance committee he initially expects to see six new investigators and five staff working on implementation. Given the interest in whistleblowing, that’s likely not going to be enough to handle the expected volume of complaints, he said.

The Office of the Ombudsperson has created a full on-line guide to the act that provides information on every step of the process. The guide can be viewed at bcombudsperson.ca/pida. The PEA will be providing GLP members with further guidance in 2020, including a PIDA webinar on January 16.

CHAPTER UPDATES

FAMILY MAINTENANCE AGENCY

BARGAINING

The PEA began contract negotiations on November 27 and at press time were scheduled to meet on December 20.

GOVERNMENT LICENSED PROFESSIONALS

ANNUAL GENERAL MEETING

The GLP AGM was held in Prince George on October 28, 2019. Members of the GLP executive include:

Sam Davis, Forester, Chair
Frank Kohlberger, Forester, Vice-Chair
Edmond Margawang, Pharmacist, Secretary-Treasurer
Christine Bieber, Geoscientist
Elizabeth Hunt, Forester
Sabiha Sultana, Engineer
Patricia Wilson, Psychologist

HEALTH SCIENCE PROFESSIONALS

PROFESSIONAL DEVELOPMENT

HSP members are encouraged to submit an application to the ongoing HSPBA Professional Development Fund. Members are eligible for up to \$250 in professional development funding. Further details

are available at pea.org/hsp-programs.

HOSPITAL EMPLOYEES' STAFF UNION

ANNUAL GENERAL MEETING

Thank you to members who attended the HESU AGM on December 4 in New Westminster. Members of the HESU executive include:

Jackie Paquette, President
Jacquie Janum, Vice President
Nina Dhillon, Treasurer
Cherene Palmer, Secretary
Taso Kourtessis, Trustee
Barb Lemky, Chief Shop Steward
Debbie Maximick, Clerical Shop Steward

LAW SOCIETY LAWYERS

ANNUAL GENERAL MEETING

Thank you to members who attended the LSL PEA Annual General Meeting on November 7 in Vancouver. Members of the LSL executive include:

Claire Marchant, Vice-Chair
Manika Rajan, Secretary-Treasurer

LEGAL SERVICES SOCIETY

STRIKE VOTE AND BARGAINING CAMPAIGN

Members held a one-day picket of

LSS headquarters on November 1 with a rally at noon that was well attended by media and allies. At press time LSS members were still working to rule and fighting for a fair and equitable collective agreement.

OIL AND GAS COMMISSION

BARGAINING

Tentative bargaining dates have been set for early 2020. The bargaining committee members are Stu Venables and Michelle Gauthier.

OKANAGAN REGIONAL LIBRARIANS

AUTONOMY PROTECTED

Congratulations to members for defeating the proposed children's programming policy.

ST. MARGARET'S SCHOOL

ANNUAL GENERAL MEETING

Thank you to members who attended the SMS AGM on November 26 in Victoria. Members of the SMS executive include:

Bev Waterfield, Chair
Michael Keddy, Secretary-Treasurer
Sonny Wilson, Member-at-large

CHAPTER UPDATES

UNIVERSITY OF VICTORIA

ANNUAL GENERAL MEETING

Thank you to members who attended the UVic AGM on November 6 at UVic. Members of the chapter executive include:

Sheryl Karras, Chair
Melissa Doyle, Vice-Chair

Telka Duxbury, Treasurer
Adam Gaudes, Secretary
Mike Cave, Director
Katy Chan, Director
Kristen Ficke, Director
Ori Granot, Director
Cliff Haman, Director

PEA UPDATES

STRATEGIC PLANNING

The PEA executive spent a day in strategic planning in November. The executive reviewed the progress of the 2019-2020 plan and made minor modifications. The plan will be finalized and confirmed in early 2020. The PEA will then make the plan available to members.

MEMBER SURVEY

Thank you to the over 700 members who participated in the annual member survey. The results will be used in consultation with PEA strategic planning and chapter communications planning. Results of the survey will be available to members in the next issue of *The Professional*.

POLICY REVIEW

Throughout 2019, the PEA undertook a substantial review of the PEA's policies. Significant changes have been suggested, and the PEA executive are reviewing the changes. Information will be forthcoming to the membership.

BUDGET 2020

The PEA executive will be reviewing the 2020 budget at its January meeting. The finalized budget will be presented to members in the annual financial report in the spring.

EXECUTIVE CHANGES

We would like to extend a warm welcome to Patricia Wilson as the new GLP representative on the Association executive. Patricia is a psychologist with the Ministry of Children and Family Development. We thank departing member Elizabeth Hunt for all her contributions and commitment to the executive over the years.

CORRECTION

In the October/November 2019 issue of *The Professional* we incorrectly stated that librarian James Stuart designed the first public program at the Okanagan Regional Library system. He designed the first public program under the public programming model.

SCHOLARSHIPS AND BURSARIES FOR PEA MEMBERS AND THEIR FAMILIES

Stay tuned for a
new application process

DEADLINE TO APPLY
HAS MOVED TO JUNE 2020

MORE DETAILS TO COME



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SAVE THE DATE



MAY 1 - 2, 2020

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