



Impact

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COMPENSATION EMPLOYEES' UNION

"Climate of Fear"?

Many times over the past six months we have heard of members bursting into tears at their desks, when talking to their co-workers, and even in their managers' offices. Some employees are saying they feel paralyzed in performing their daily work for fear of making a mistake and being severely punished for it. It seems that things are so bad for some, you could say they are working in a "climate of fear". Why are these WCB employees feeling this way? We only need to look at actions taken by our employer over the last six months for an answer.

Progressive discipline no longer used

In 1997, the WCB Director of Labour Relations introduced the current discipline policy, "Corrective Action Through Progressive Discipline". It states:

"This policy is based on the belief that all WCB employees want to do good work that is in the best interest of the Board and its employees, clients, and other stakeholders. The Board's policy is to correct unacceptable conduct and performance of employees who are able and willing to correct their behaviour and ensure the departure of those who are not."

The policy includes five steps:

1. Non-disciplinary verbal warning
2. Written warning
3. Short suspension of one to three days
4. Long suspension of three to ten days
5. Termination

The policy describes the five steps as "progressive stages". What is the purpose of these steps? The policy states:

"Each of the first four stages includes a corrective - counseling component. These provide the employees with opportunities to correct unacceptable behaviour."

It's clear then that the process is intended to rehabilitate an employee who may have started to go in the wrong direction. It's a policy we have lived with for eight years. Generally, the CEU believes it has worked effectively. We believe many managers share our view of the policy. It's the kind of process one would expect from a progressive employer that values employees and works with them to help them succeed.

Harsh penalties are now the first step

Table 1 shows that Labour Relations appears to have abandoned the Board's progressive discipline policy in favour of harsh penalties.

Table 1 – Recent Discipline Actions	
Accusation	History/Result
Long term employee accused of accessing inappropriate information through the Board's system	No previous offences Penalty--Termination
Long term employee accused of breaching the Board's privacy policies	No previous offences Penalty--Termination
Five year employee accused of inappropriate use of the Internet during working hours	No previous offences Penalty--15 day suspension
Long term employee accused of breaching Board policies	No previous offences Penalty--3 day suspension
Long term employee accused of accessing a claim file inappropriately	No previous offences Penalty--15 day suspension
Long term employee accused of inappropriate Internet and e-mail usage	No previous offences Penalty--10 day suspension
Medium term employee accused of inappropriate Internet use	No previous offences Penalty--8 day suspension
Medium term employee accused of poor judgment and not following Board policy	Significant personal factors involved Penalty--8 day suspension
Medium term employee accused of inappropriate verbal interaction with another employee	No previous offences Penalty--1 day suspension
Long term employee accused of inappropriately accessing personal information from the Board's systems	No previous offences Penalty--15 day suspension
Long term employee accused of overuse of personal e-mail and Internet	No previous offences Penalty--10 day suspension

Does the punishment fit the "crime"?

If the allegation proves to be correct in each of these cases, it would be appropriate for our employer (as it would be for any employer) to use corrective action through progressive discipline to respond to the offences. But it appears that the WCB's new approach is to give very severe penalties for first offences. The employer seems to be all about "crime and punishment". It's difficult to believe that in each one of these cases the crime was so severe that progressive discipline action would not have been sufficient to set the employee back on the correct path.

It appears Labour Relations is not considering a number of factors when they dole out discipline. For example:

- U It doesn't seem to matter that their policy states the Board should be trying to rehabilitate employees. In fact, we are unaware of any cases in the past six months where the employer has applied the progressive discipline policy.
- U It doesn't seem to matter that these employees have provided good work for many years -- 30 years in one case -- without any employment offences.
- U It doesn't seem to matter that, in some of these cases, employees are clearly remorseful and would never repeat the offences again -- even if their discipline was to consist of verbal warnings.
- U It doesn't seem to matter that the policy says the Board believes "*that all WCB employees want to do good work*".

The new approach seems to be: "If you make a mistake, you'll pay a big price." A one week suspension is similar to a \$1,500 or more fine.

Actions speak louder than pizza

Sometimes CEU members ask why we get so frustrated with the employer and why the newsletters address negative issues. Part of the answer lies in the countless hours we spend defending members against what we perceive to be excessive punishment and in trying to force the employer to live up to their words and policies.

This is largely unseen work you don't get a sense of until you are the one in trouble. What most of you see is the employer providing you with pizzas, developing and playing games, and dressing up for Halloween contests. It's the employer's way of providing rewards for your work.

All that would be fine, if we knew the employer would work with you if you make a mistake, rather than being quick to impose excessive punishment. We'll be more positive about discipline and workplace pizza when the employer reinstates its progressive discipline policy. That would mean the employer was taking a positive view of employees and was working with those who commit employment offences to help them become better employees. After all, it's what they said they would do.



Is Big Brother watching?

Many of the recent examples of discipline outlined in the article, "Climate of Fear"?, deal with the inappropriate use of e-mail and the Internet, and the inappropriate accessing of E-file claims. They have caused both members and the CEU Executive to consider to what degree our use of such tools and systems is being monitored.

The Director of Internal Audit stated in a recent e-mail communication to all WCB employees that e-mail use was not being monitored but that the Board can "access and review all or parts of an e-mail account when there is a

pressing business need to do so." He then stated that in the past year, five e-mail accounts were accessed in the course of Board-conducted investigations.

Thousands of e-mails were reviewed

Let's consider what it means when the Board says an e-mail account was accessed in the course of an investigation. In one of the five investigations the Director of Audit referred to, the employer reviewed over 8,000 e-mail exchanges to more than 100 people. They included the husband, sister, shop steward, and co-workers of the person under investigation, and many other people. The employer has the ability to read each and every one of those 8,000 e-mail exchanges. Whether or not they did, we will never know.

In fact, the employer can go beyond one employee's mailbox in an investigation. The report the CEU has on the investigation described above shows this. The employer also checked the e-mail accounts of three other employees. This means the employer had the potential to review 5,000 more e-mails with dozens of people.

In another case, we have evidence the employer reviewed e-mail exchanges between a member and a CEU Executive member. This occurred despite assurances from the Board to the CEU that they would not access e-mails of CEU representatives. We have no way of knowing how many other members or CEU Executive officers' e-mails were looked at to get the exchange they relied on in the investigation. This confirms that we can't be confident the employer will treat e-mail exchanges between you and your representative as confidential.

Use of the Internet is routinely monitored

While the Board has said they do not monitor e-mail, let's be clear, they do monitor Internet usage on an ongoing basis. Eight of the eleven disciplines noted in the "Climate of Fear" article involved evidence the employer collected from monitoring employees' e-mail or Internet use. In the WES Division, it's clear that managers routinely receive reports on Internet usage by their employees. If your usage is what the employer considers excessive, the employer may take action.

Technology provides the ability to monitor us

As we move more into the technological era, the employer's ability to electronically monitor your work increases. Your security access cards provide the employer with a record of the times you enter and leave Board buildings. Computers provide log on and off times. The Board has tried to use these types of records as evidence in disciplinary cases.

Will this type of monitoring continue or increase in the future? Clearly, the Board was trying to allay your fears when the Director of Audit sent his recent e-mail. This employer has proven that if they have the ability to monitor us, they will likely use it at some point. If there is a conflict between your privacy and their need or desire to know something, your privacy will come second. Remember, you are using workplace tools. The employer owns them. They can sugarcoat it anyway they want, but the facts are the facts: you are being monitored.



