

CITY COUNCIL OF VANCOUVER

20 August 2023

Mr. xXKenPlays has proposed the following bill/resolution:

AN AMENDMENT TO THE REVISED EMPLOYEE RIGHTS BYLAW TO REDUCE STRAIN ON THE COURTS SYSTEM

Be it enacted by the Councilors of Vancouver here assembled,

PREAMBLE

- (a) Whereas, it has been found that individuals who are disciplined and wish to challenge their disciplinary action do not attempt to appeal their disciplinary action with the department before going to the Vancouver Municipal Courts.
- (b) Whereas, it has been found that the bylaw does not adequately define and regulate appeals of disciplinary action,
- (c) Whereas, it has been found that the Vancouver Municipal Courts have too many right to challenge cases that can be resolved at the departmental level,
- (d) Therefore, this amendment to the Revised Employee Rights Bylaw shall be made.

SECTION I - DEFINITIONS

- (a) In this Act,
 - (i) “**Disciplinary Action**” means “as any recorded action on an employee’s record that affects the employee’s employment or future employment opportunities; this shall include but not be limited to strikes, terminations, suspensions, warnings, demotions, and blacklists.”
 - (ii) “**Appeal**” means “The act of applying to a higher authority or authorities for reversal of disciplinary action.”
 - (iii) “**Appeal Document**” means “The document that shall be provided to the said employee that will outline the reasons for approval or denial of said appeal.”

SECTION II - AMENDMENTS

- a) The definitions listed below shall be added to the RERB under Section I
 - iv) “**Disciplinary Action**” means “as any recorded action on an employee’s record that affects the employee’s employment or future employment opportunities; this shall include but not be limited to strikes, terminations, suspensions, warnings, demotions, and blacklists.”
 - v) “**Appeal**” means “The act of applying to a higher authority or authorities for reversal of disciplinary action.”
 - vi) “**Appeal Document**” means “The document that shall be provided to the said employee that will outline the reasons for approval or denial of said appeal.”
- b) Subsection f shall be removed from the RERB.
- c) Section III shall be renamed as Section IV.
- d) Section IV shall be renamed as Section V.
- e) Section III shall be established and named as “Section III - APPEALS PROCESS”
- f) Section III shall contain the following legislation as written below “

SECTION III - APPEALS PROCESS

- a) Agencies that are bound by the Revised Employee Rights Bylaw are required to ensure that there are regulations and procedures in place for disciplinary action appeals which shall be made available and accessible to every employee.
- b) The appeals policy must specify:
 - i) How an appeal is initiated
 - ii) The standard process and procedure for the appeal.
- c) An employee is not able to challenge disciplinary action in a court of law unless a judgment has been issued on the matter of the employee’s appeal within the agency.
 - i) Any civil case brought up against an individual, individuals, or an agency relating to disciplinary action that has not gone through the appeals process that an agency has in place may be dismissed.
 - ii) If an individual goes through the appeals process and is not satisfied with the said outcome, they have the right to challenge disciplinary action within 30 days of issuance of said disciplinary action.
 - iii) If an agency does not have a specified procedure for appeals an employee is permitted to challenge their disciplinary action without hindrance.
 - iv) Once an employee has initiated an appeal, the agency shall return a formal decision on the matter of appeal within 120 hours (equal to five (5) days) of the initiation of the appeal, unless that time frame is waived by the applicant or

extended for good cause. The formal decision shall be in the form of a document that shall state the result of the appeal, summarize the facts of the appeal, and state the reasons for the result of the appeal.

SECTION III - TIMEFRAME OF LEGISLATIVE IMPLEMENTATION

- (a) This legislation shall go into effect following the completion of the required procedure.

SECTION IV - MODE OF NULLIFICATION

- (a) This Bill shall be deemed to have been nullified by repealment via an Act of the Council or any section, clause, phrase, or word in the Bill having been found by a judicial body of appropriate and legal jurisdiction to have deemed this Bill in direct contradiction and violation of the City Charter of Vancouver.

Respectfully submitted to the City Council,

Mpglasses

A complete outsider of the City Council that wrote this entire document up because too many stupid cases are being brought up to the Vancouver Municipal Courts

xXKenPlays

City Councilor, Sponsor

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City Councilor, Co-Sponsor