

# CITY COUNCIL OF VANCOUVER

July 29, 2022

---

Mr. ElloNT has proposed the following bill/resolution:

## REVISED EMPLOYEE RIGHTS BYLAW

---

*Be it enacted by the Councilors of Vancouver here assembled,*

### PREAMBLE

- (a) Whereas, it has been found by the City Council of Vancouver that current employee rights puts undue burden on departments to follow useless procedures that do no good in protecting the rights of employees
- (b) Therefore, this bylaw to revise employee rights shall be made.


### SECTION I - DEFINITIONS

- (a) In this Act,
  - (i) “**employee**” shall be defined as any resident employed within a lawfully established government agency but shall not include any resident employed with a designation of still being in training before entering full employment.
  - (ii) “**employer**” shall be defined as a lawfully established government agency, in which it is the head of such agency’s responsibility to ensure the agency’s abatement of all employment regulations recognised in law.
  - (iii) “**disciplinary action**” shall be defined 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.

### SECTION II - EMPLOYEE RIGHTS

- (a) An employer shall be responsible for creating a reasonable set of regulations pertaining to the employment that shall be accessible to every employee.
- (b) An employer shall ensure that all disciplinary action follows a standard procedure accessible to every employee and that such procedure includes regulation and processes

for appeals of disciplinary action, as well as a procedure for employee investigations as defined later in this act.

- (c) By a preponderance of the evidence, employers must prove that any employee disciplined violates the agency's regulation and that such employee is involved in the violation in question.
- (d) Employees shall have the right to be notified of any accusation prior to the disciplinary action associated with the action being issued and shall be afforded the opportunity for a reasonable defence (including a minimum time span of twenty-four hours) against any accusations.
- (e) Employers shall be able to provide employees with the designation of being under investigation for no more than ten days, preventing their ability to represent their employer, provided that the investigation abides by the standard procedure for disciplinary action.
- (f) If an employee believes disciplinary action issued against them is false, or the disciplinary action was issued in violation of employment law, they shall have the right to challenge such action against the person(s) they believe are responsible for such action in a civil court; if any action is determined to be false or in violation of employment law, it shall be the responsibility of the employer to overturn the action and update the employee's record as necessary.
- (g) Employers shall not be bound to follow through with any recommendation from the Executive to issue disciplinary action; however, they may be bound to regulations pertaining to the employer's regulations by the Executive as prescribed by law.
- (h) Employees and residents employed with a designation of being in training shall not be treated differently based on race, sex, gender, religious beliefs, political orientation, or any protected group.
- (i) Employers shall be prohibited from issuing disciplinary action for peaceful speech by employees and residents employed with a designation of being in training that is in compliance with relevant law and precedent regarding peaceful speech.
- (j) The following legislation shall be deemed null and void
  - (i)  Employee Rights Act of 2022
  - (ii) (technically not under the council's authority but founder law said it was law for us when it transferred from provincial to municipal)

### **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 bylaw shall be deemed to have been nullified by repealment via an Act of the Council or any section, clause, phrase, or word in the bylaw having been found by a

judicial body of appropriate and legal jurisdiction to have deemed this bylaw in direct contradiction and violation of the City Charter of Vancouver.

Respectfully submitted to the City Council,

*ElloNT*

Mayor