

NEWS

PIPSC members demand answers after VP suddenly resigns, drops harassment claim against union leaders


By EMILY HAWS AUG. 22, [✎ EDIT STORY ([HTTPS://WWW.HILLTIMES.COM/WP-ADMIN/POST.PHP?POST=154556&ACTION=EDIT](https://www.hilltimes.com/wp-admin/post.php?post=154556&action=edit))] 2018

With an internal election looming, members are seeking a special meeting to probe why Shirley Friesen dropped her case against president Debi Daviau and vice-president Steve Hindle.



Members of the Professional Institute of the Public Service of Canada are calling on vice-president Steve Hindle, left, and president Debi Daviau, right, to answer questions about the sudden resignation of former vice-president Shirley Friesen, who dropped a harassment lawsuit against the two days after she resigned. *The Hill Times* photograph by Sam Garcia, photograph courtesy of the Professional Institute of the Public Service of Canada

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Members of the second-largest federal public service union are demanding transparency and accountability after they allege two top officials secretly settled a harassment lawsuit against them filed by another executive, leading her to resign and drop her re-election bid.

While Professional Institute of the Public Service of Canada president Debi Daviau and vice-president Steve Hindle are seeking re-election in November, more than 60 members of their union are pushing them to answer questions about the June 22 resignation of former vice-president Shirley Friesen, who, within a week, dropped a lawsuit alleging Ms. Daviau and Mr. Hindle were harassing her.

Led by retired PIPSC member Tony Purchase, a vice-presidential candidate in the union's Nov. 2 national election (<http://www.pipsc.ca/about/governance/elections-information/national/notice-of-election-2018>), some members are concerned the two settled the case against them themselves, without full board approval, and therefore are in a conflict of interest.

PIPSC represents government scientists and professionals. The 57,000-member union recently collaborated with the governing Liberals on fixing the Phoenix pay system and unmuzzling government scientists. The union has about 140 full-time staff in its national office in Ottawa and a half-dozen regional offices.

Mr. Purchase sent the board a requisition July 17, signed by 66 members, asking for a special general meeting (SGM)—which is similar to an annual general meeting, but with only the requisition's content up for discussion—to decide whether to suspend Ms. Daviau and Mr. Hindle pending the results of an independent investigation. After PIPSC leadership said there was no way

to know if members knew what they were signing, at least 26 members confirmed their consent within 24 hours. Mr. Purchase doesn't have any confirmation that Ms. Friesen's lawsuit was settled, instead pointing to circumstantial evidence.



Debi Daviau has been the president of PIPSC since 2014, defeating former president Gary Corbett. *The Hill Times* photograph by Andrew Meade

The requisition states that the two, as defendants in the lawsuit, “did purposefully, wilfully, and self-servingly behave in a gross conflict of interest by participating in an out-of-court settlement to their distinct advantage and at considerable cost; did knowingly circumvent the board of directors in undertaking their actions; and, did knowingly break governance rules and regulations.” Requisitions, and the resolutions contained within them, must have strong statements to debate, said Mr. Purchase.

“All this requisition does is to request an arm's-length, qualified, third-party investigation. So they would have access to the settlement, they would have access to the signatories,” said Mr. Purchase in an interview. “They would question as to due process. And we would have an answer, pure and simple.”

Ms. Daviau didn't respond to *The Hill Times'* requests for comment last week, including written questions sent by email, while Mr. Hindle refused the requests and did not respond to emailed questions. Both are board members.

The board's approval is required for all agreements, say PIPSC bylaws, and board members can designate the president, one of the vice-presidents, or the executive secretary to sign an agreement. If they don't, the president can sign it, together with employees responsible for the subject matter of the agreement.

The Aug. 1 response to the requisition from the 15-member board of directors says it's “satisfied that senior officials acted entirely within the letter and spirit of the bylaws.” However, three board members had signed the requisition.

Union members who are aware of the controversy around Ms. Friesen's resignation are divided, however many note that the majority of the general membership is probably in the dark.



Tony Purchase, a retired PIPSC member, is pushing for a special general meeting to get answers from the union's leaders about VP Shirley Friesen's departure. *Photograph courtesy of Tony Purchase*

Jenn Carr, an engineer who is on the executive of her branch of the union, is a longtime steward and was informally supporting Ms. Friesen in her conflict with Ms. Daviau and Mr. Hindle. She said she was appalled when she saw what was happening to Ms. Friesen, such as Ms. Friesen being given no work, despite asking, and subsequently receiving no pay. PIPSC would never allow it in its members' workplaces, she said.

This situation, as well as board meetings more broadly, inspired her to create the more than 300-member Facebook group Members for Transparency and Accountability. She is pushing for the SGM because members deserve answers, she said.

Unions tend to value investigating before forming an opinion about something, she said. But in this case, "I find that there's a lot of people who are willing to 'trust our leaders' and

'they're doing a good job' versus 'okay, well maybe we should step back and look,'" she said.

She's running to be one of four National Capital regional directors on the board. Other than the president and four vice-presidents, all are volunteer positions.

PIPSC is a not-for-profit corporation, meaning it has to follow a federal law (<http://laws.justice.gc.ca/PDF/C-7.75.pdf>) governing these bodies that says members can propose a topic to be discussed at an SGM. People pushing for a special meeting were able to gather about triple the minimum 21 signatures needed to submit a valid requisition to hold the gathering.

But the board doesn't have to call the meeting if it's clear it's to "redress a personal grievance" against the corporation or its directors, says the federal law. The board said Mr. Purchase has a personal grievance against Ms. Daviau and Mr. Hindle, among other senior PIPSC officials, so it won't hold a special meeting.

However, members can still organize an independent meeting, or force the board to hold one through a court order.

Mr. Purchase said he doesn't have any personal grievances against Ms. Daviau, Mr. Hindle, or other PIPSC leadership; he simply doesn't like their behaviour. He thinks Ms. Daviau is a good public representative for PIPSC, he said; he just doesn't agree with her internal management style.

Additionally, he said his concern is the membership's interest, not Ms. Friesen's.

"If I were friends with VP Friesen, I'd be happy for VP Friesen that she got money, supposedly, that she's done with this abusive environment...and she's onto greener pastures," he said. "I wouldn't be making it difficult for her, or compromising her settlement."

The lawsuit allegedly settled was about what Ms. Friesen claimed to be an inability to receive accommodations for a medical condition, as well as other conflicts with Ms. Daviau and Mr. Hindle. They were both named in the lawsuit, as well as PIPSC itself. Originally filed in October 2017, it asked for more than \$165,000 in damages; but was then revised to claim about \$192,000.

Because the claim was a notice of application, no statement of defence is generally filed, but PIPSC did put forward affidavits to serve somewhat the same purpose, said Ms. Friesen's lawyer. However, the affidavits were never seen by the court and are therefore not public.

Court documents filed by Ms. Friesen said Mr. Hindle deemed her unfit to work, without supporting documentation, until she was cleared by a third party. They also said a special committee struck after the lawsuit was filed raised "questions about her loyalty," and imposed new restrictions on her, such as no longer being allowed to chair the union's human rights and diversity committee.

Under Ms. Daviau's presidency, the rules around part-time vice-presidents' compensation were changed so they're only paid for work done, instead of a salary-like structure. With no work, Ms. Friesen had no pay, said the suit, leaving her short \$7,125 per month.



Gary Corbett, who was defeated by Ms. Daviau in the last PIPSC election, believes Shirley Friesen's lawsuit against current union leaders was settled. *Photograph courtesy of Mr. Corbett's Twitter*

Ms. Friesen also filed internal dispute-resolution claims against Ms. Daviau and Mr. Hindle, said court documents. Mr. Hindle's wasn't deemed by PIPSC staff to have enough merit to investigate in December 2016, but Ms. Daviau's was accepted. In July 2017, she again filed a claim against Mr. Hindle, which was accepted for investigation. It's unclear if these claims were withdrawn.

Ex-VP won't discuss alleged settlement

In June, Ms. Friesen, hoping to be re-elected in the fall, asked Mr. Purchase to start collecting signatures for the nomination process, he said, but then resigned. Once he had a hunch about a possible settlement, he asked a few board members (who ended up signing the requisition) if they knew anything about it, he said, but they were "completely in the dark on this." To get answers, he said he sent eight emails to board members asking questions about it between June 22 and July 19. There was no response.

"I started out by asking 'Was there a settlement that bought Shirley out?'" he said. "I could fully understand her looking to get a settlement to get out—the path of least resistance—but you know, this is only a few months before the end of her term, and she [was] planning on running for another term." She had been a vice-president for five and a half years in one of two-part time VP jobs.



Former PIPSC vice-president Shirley Friesen said she left because PIPSC 'was not a good place for me anymore.' Photograph courtesy of Shirley Friesen's Twitter

When asked by *The Hill Times*, Ms. Friesen said her lawyer advised her to not discuss the existence or non-existence of a settlement, adding she left PIPSC because it "was not a good place for me anymore."

She couldn't say why she wasn't running for re-election, she said. Some familiar with her story have questioned whether the alleged settlement contained clauses preventing Ms. Friesen from running.

Gary Corbett, the previous PIPSC president who lost his re-election bid to Ms. Daviau and is now a vice-presidential candidate, submitted an affidavit supporting Ms. Friesen's lawsuit. Her lawyers said he would be needed in court to

discuss the affidavit. A few days before she resigned, they told him he wasn't needed, he said.

“I’m making the assumption here that there’s a settlement because there was nothing after that,” he said.

Ontario region director Peter Gilkinson, who signed the requisition, suggested the settlement didn’t go through the board, in an internal email obtained by *The Hill Times*.

“[The settlement] never came before the board and at the last three boards, there has been no legal update,” wrote Mr. Gilkinson on July 11. “I specifically asked at the June board [meeting] about the legal update and was told there was nothing to report.”

The same email indicates there was a special board meeting to discuss Ms. Friesen’s replacement on July 12, normally done at regular board meetings. Mr. Gilkinson questioned what the urgency was since Ms. Friesen had no work, something also alleged in the lawsuit.

The board discussed the requisition on July 27. People with knowledge of the situation said Ms. Friesen’s lawsuit was also discussed that day, but only after board members signed a non-disclosure agreement.

A union leader who agreed to speak anonymously noted the five-person executive committee of the board could’ve been involved in approving a settlement, but it wouldn’t have met quorum if Ms. Friesen, Ms. Daviau, and Mr. Hindle had recused themselves because of their involvement.

Some question SGM movers’ motives

PIPSC is no stranger into internal board disputes.

In 2016, the Public Service Labour Relations and Employment Board dismissed a complaint (<https://ottawacitizen.com/news/local-news/tribunal-decision-exposes-conflict-within-professional-institute-of-the-public-service-of-canada>) against PIPSC by Mr. Corbett. He had been the subject of two harassment complaints, by Ms. Friesen and vice-president Shannon Bittman, though those complaints were eventually dropped, as reported in the *Ottawa Citizen*. The story suggests Ms. Friesen, Ms. Bittman, and Ms. Daviau were previously close. Mr. Corbett has also openly critiqued (<http://www.ottawalife.com/article/the-betrayal?c=13>) PIPSC’s recent government partnership on Phoenix, alleging the union leadership is too close to the government.

Ms. Carr and Mr. Purchase say they’re running in the November election because they’re unhappy with the current board. Ms. Carr said it’s hypocritical to complain and take no action.

Mr. Purchase has previously brought up governance issues to the board; he believes strongly in bylaws, said some observers. Being retired, they added, he has time to investigate governance.

Still, some members are questioning the SGM and the group's motives. Al Dunbar, a retired IT worker who has been in PIPSC politics for more than a decade, doesn't support the requisition. He said he's heard from the SGM proponents through the Facebook group, but hasn't gotten "the official PIPSC version because it's not public information."

"I don't know if there's anything really that they want to find out that actually indicates a really serious problem. The people in that group feel it is, but again, I'm careful at taking them at their word as I know they have some personal involvement," he said. "They're not completely unbiased, so I don't really know."

"The way they tell it, it's pretty damning, but that's only half the story," he added.

"I don't have any personal feeling that the president or any other people on the board of directors are flouting the bylaws or behaving inappropriately, so I don't think it's necessary," he said. "That said, if it takes place, regardless of the outcome, I hope it puts all these issues away because we seem to be spending a lot of time and effort with this infighting."

Mr. Dunbar also questioned why Mr. Purchase didn't use the union's internal dispute-resolution process. Mr. Purchase said he thinks it's biased in favour of PIPSC.

The board also opened up an internal dispute-resolution process against Mr. Purchase claiming harassing behaviour, in relation to emails he sent alleging corruption and misconduct by senior PIPSC officials. The board views his allegations as unfounded and says he repeated them as fact in the requisition. That being said, the board indicated that if the dispute-resolution process showed that his allegations had merit and there needed to be a special meeting, the board would call it.

Mr. Purchase disputes that the demand for a meeting made allegations at all, saying the emails were all posed as questions, which, when ignored, "caused them to morph into contentions."



PIPSC member Al Dunbar doesn't support the demand for a special general meeting to probe union leaders' actions. *Photograph courtesy of Al Dunbar*

Meanwhile, Ms. Carr said members are still trying to organize the special meeting. Time is ticking: PIPSC bylaws say a meeting must take place between four and 13 weeks after the board receives the request or decides on it. They might hold it online, she said.

It's a big task, she added, but worth it.

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PIPSC election candidates mentioned in this story

Bolded candidates are currently on the board of directors

President (1 position)

- **Debi Daviau**
- **Shannon Bittman**

Vice-president – full-time (2 positions)

- Tony Purchase

Vice-president – part-time (2 positions)

- Gary Corbett (previous PIPSC president)
- **Steve Hindle**

Ontario regional director (1 position)

- **Peter Gilkinson**

National Capital regional director (4 positions)

- Jennifer Carr

— *Source: PIPSC website*

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