

Grievance Procedure

If you think you have a grievance – these are the steps to follow –

1. Read thoroughly, the post on this website “Do I have a grievance?”
2. If, after reading that post, and you still feel you have a grievance, contact your local Union Steward to obtain a grievance form. Your Stewards names and phone numbers are listed on the front page of www.local524.org. Their email addresses are also provided.
3. Grievances can be filed in three ways -
 - a) Individual grievance – one person grieves that management has violated their rights under the terms of the collective agreement.
 - b) Group grievance – a group of employees had their rights violated under the terms of the collective agreement in the same way.
 - c) Policy grievance – the Local grieves against management usually in regards to workplace policy or interpretation of the collective agreement.

Who Should I see about a Disagreement or Violation of the Collective Agreement?

You should always contact your shop steward for information about grievances. They are your resource to help you with writing, filing and completing forms for grievances.

What happens with my grievance after it has been filed?

Grievances are submitted to your immediate manager after it has been determined that a violation of the collective agreement has occurred. From there, a grievance meeting is held with the grievor, a union representatives, the manager/supervisor and a member of Human Resources. At that meeting, the issues are discussed leading to a resolution of the violation, or if there is still disagreement, the grievance will be forwarded to Binding Arbitration. At the Arbitration meeting, an independent person (the Arbitrator) will have both sides present their respective cases and subsequently will render a decision which is binding on both parties. The decision is final!

Your steward will supply you with the grievance form and help you with the wording on your grievance form.

The steps to how your grievance proceeds are outlined below.

1. **Filing Grievances “through the Union”**
Locals are responsible for ensuring that all grievances are filed “through the Union.” The signature of the Local President or the Steward should be on every grievance when filed. This will be enforced. All grievances that have not

gone through the Local, as demonstrated by a local signature, will be turned back and not referred to arbitration. This is Step 1.

2. **Step 2 Meetings**

Locals will be responsible for representing grievors at Step 2 meeting and are also responsible for arranging those meetings. Submitting a written grievance is an automatic request for a Step 2 meeting. Locals should follow up and make sure that the Step 2 meetings occur.

3. **Referring Grievances to Arbitration**

The Local will need to use the Referral to Arbitration Form. This form requires a local signature to authorize referral to arbitration. Using this form, locals will send grievances referred to arbitration straight to head office and they need to do so in a timely way. The grievance should have been through Step 2 and still being in time for referral to the GSB. To make sure of timely referrals, grievances should be forwarded to head office a minimum of 3 days prior to the deadline date.

In order to make sure that the referrals happen on time, each local should set up a “reminder” system that tracks time limits for referral to arbitration.

4. **Completeness of Files**

When a grievance file is referred to arbitration, the Grievance Department will check it for completion. Where a file is incomplete, a checklist will be sent to the local for completion.

5. **The Local Duty of Fair Representation**

The signature requirements set out above will ensure that locals can coordinate and monitor grievance activity in the locals. They will also ensure that the local fulfills its responsibility for timely referrals to arbitration.

The Union, including its locals has a duty of fair representation to its members under the **Ontario Labour Relations Act**, section 74. Part of that duty of fair representation means providing representation at the local level and doing so in a reasonable, open and non-biased manner. To prove that you have dealt with grievances in this way, keep track of the work you do on behalf of members. Write down what you do and when you did it and put it in the file.

It is important that locals meet their duty to refer grievances to arbitration in a timely way. If a grievance is referred too early (i.e. before Step 2), it will be referred back to the local for completion of the Step 2 process. If a grievance is being referred to arbitration late, refer it anyway and the Grievance Department will see what it can do to help. Please avoid filing grievances to arbitration late. This may be a breach of the duty of fair representation.

Should a local receive a complaint alleging breach of the duty of fair representation, refer that complaint immediately to the Grievance Department at head office, care of Cameron Walker, Negotiations Supervisor, with a copy to OPSEU's Grievance Officer for the appropriate Ministry or if unavoidable, the Supervisor's support person.

6. **Summary**

In summary, locals will be responsible for making sure grievances are:

- Started through the union (with a grievance form signed by a Local President or Steward);
- Referred through the union (with the local completing the Referral Form and forwarded directly to head office along with the file);
- Referred to head office in a timely way (after the Step 2 meeting but 3 days before expiry of the time limit for referral);
- Referred with complete files.

The best way to fulfill these responsibilities may be to create a local grievance committee. If your local needs help in creating a grievance committee, please call your staff representative.

A) Regional Office Responsibility

Staff Representatives are responsible for giving advice, guidance and assistance on grievances (i.e. wording, strategies, etc.) This includes generating public policy grievances. If local stewards have questions about how to word a grievance, or whether to file one, that other activists in their local cannot answer, they should call their Staff Rep. Regional secretaries will still be available for advice on grievance timelines. In order to help regional office staff to continue to fulfill these important responsibilities, the canary copy of the grievance form will continue to go to the regional office for their information.

Regional Offices will not have ongoing responsibility for actually processing grievances. Regional offices are not responsible for ensuring timelines are met. Grievances or related documentation received by the Regional Office will be forwarded to Head Office and the courier costs incurred by the Regional Office will be charged back to the Locals.

B) Head Office

Head Office will receive all grievances being referred to arbitration directly from the Locals and refer them onto the Grievance Settlement Board in a

timely way. Head Office will also provide a bi-monthly printout of all new grievances to each local. Locals can use this list to double check their records. Regional Offices will also be updated regularly.

CONCLUSION

Implementation of the OPS Grievance procedure provides members with a system that involves more concentrated and focused local attention to their grievances.

** Information supplied by Josephine Clark, Steward, Local 524.*