

Grievance Policy

Structure

1. The Grievance Committee shall include five or six case officers who are as a whole broadly representative of the membership of UWOFA. They will not be members of the Board, and will serve for some years on the Grievance Committee. Its chair will be a Grievance Officer appointed by the Board for three years, renewable once for up to three years. (Should the Grievance Officer take leave during the term, a senior member of the Grievance Committee may step in for up to a year.) The Chief Negotiator(s) or designate from the negotiating team of the most recent collective agreement between the bargaining unit(s) and the employer will be a voting member of the committee. The Past President, President, and Vice-President of UWOFA will be non-voting members of the committee. A Professional Officer will advise the committee.
2. The Grievance Officer shall have an office in UWOFA House, release time as negotiated with the President upon appointment, and an appropriate Modified Alternative Workload after three years' service.
3. Members of the Grievance Committee and other individuals involved in grievances shall observe the strictest confidentiality, bearing in mind that the duty of confidentiality to the grievor is similar to the one owed by a solicitor to a client. The Grievance Committee shall adopt procedures to ensure that confidentiality is maintained in every respect.

Activities

4. During the academic term, the committee will meet biweekly; during Christmas and the summer months, monthly. It will consider all grievances and potential grievances and will assign to each one a lead case officer and a second officer who is sufficiently aware of the case to take over should the lead case officer be unavailable. The Grievance Officer and the Professional Officer will consult on cases.
5. UWOFA will maintain a grievance section of the website, both for individual members of UWOFA to read information about grievance procedures and good negotiating techniques, and (on a private page) for departmental representatives or the professional officer or the case officers or the Grievance Officer to fill out the grievance intake forms posted to the website. The private section of the website will be kept up-to-date with a chart recording the stages of the grievance process for each case.
6. The Grievance Committee will establish and maintain a clear and helpful system for the reception and processing of complaints and queries from members, and for developing guidelines for all kinds of queries.
7. The Grievance Committee, with the Professional Officer, will arrange for the training of grievance officers in the investigation and resolution of grievances.
8. The Grievance Committee shall report to the Board once a quarter concerning its case load and advising in general terms about grievances that are under way.

Appeals

9. If a member wishes to appeal either the decision and behaviour of the case officer, the Grievance Officer or the Grievance Committee, the member may in the first instance appeal to the Grievance Committee within two weeks of the decision or the behaviour. The grievance Committee shall hear the complaint within two weeks of its reception. If both sides agree, the timelines may be extended. If not satisfied, the member may appeal within one week to a tribunal consisting of two members (drawn randomly) of the UWOFA Board and a chair agreed upon by both parties (often a senior member of faculty). The appeal tribunal will within two weeks report its decision to the Board. If this final stage moves beyond another timeline (e.g. for submission of a grievance) required by the Collective Agreement, the Association must obtain an extension of timelines or file the grievance. This decision can be further appealed, to the President of UWOFA, only on procedural grounds.

Transition

10. In 2005-2006, the transition year to the new procedures, the Grievance Officer and the Past President shall co-Chair the Grievance Committee and develop with the Professional Officer the grievance materials for the website and educational materials for training case officers.

Procedures for taking a grievance to arbitration

11. The decision to take a Policy, Group or Individual Grievance to Arbitration shall be made by the Grievance Committee. The decision shall be forwarded to the Board of Directors for approval, although the Arbitration can be filed immediately in order to meet the provisions of the Collective Agreement.

12. The Grievance Committee (hereafter referred to as the Committee) will consider moving a complaint from Step 2 of the Grievance process to Arbitration either on the basis of a formal request from the Member(s) involved to the President of UWOFA, or on the recommendation of the Chair of the Committee. For Group or Individual Grievances the grievor(s) also must give written consent allowing the members of the Committee to review any documents pertinent to the grievance. For Policy Grievances the Committee may decide to proceed without such written consent.

13. The following steps shall be observed:

- a) Subject to the provisions of the Collective Agreement (particularly time limits), the Chair of the Committee shall hold a meeting of the Committee either when a formal request has been made or when in his/her judgment there is a need to consider going to Arbitration. This meeting shall be called within four (4) working days of receipt of an unsatisfactory Step 2 Grievance decision. The following people will be invited to this meeting: members of the Committee, the grievor(s), any Member who represented the grievor(s) at the earlier stages of the Grievance procedure, and other Member(s) who were involved in the issues that led to initiation of a Policy Grievance.
- b) At least 2 working days before the meeting of the Committee all those eligible to be at the meeting shall be provided with copies of all file material relevant to the particular grievance.
- c) The meeting will be chaired by the Chair of the Committee, unless the Chair has already represented the grievor, in which case the Committee will be chaired by the President of UWOFA or delegate. The chair of the meeting shall first review with the Committee the principles governing a union's duty of fair representation and the need to maintain confidentiality. The chair shall ensure that a record be kept of the arguments made in discussing the case.
- d) The files and relevant sections of the Collective Agreement will be presented and reviewed, as well as the relevant sections of the Collective Agreement. Then, if present, the grievor(s) shall be invited to make a presentation and respond to questions. Following this review, the grievor(s) and any non-Committee Member(s) will be asked to leave.
- e) In formulating its opinion, the Committee shall act in a careful, fair and objective manner bearing in mind
 - any legal advice received on the case
 - the balance among the significance of the grievance, the consequences for the grievor(s), and the legitimate interests of the Association.

14. By a simple majority vote of members of the Committee who are present at the meeting, the members will vote either for or against sending the grievance to arbitration. The motion shall always be presented in the affirmative. On request from any member of the Committee the vote shall be a secret ballot. The grievor(s) will be immediately informed of the Committee's decision.

15. If the decision of the Committee is to go to Arbitration, UWOFA will forward the numerical record of the vote plus the written statement of reasons to the President of UWOFA, who will immediately inform the employer that the Association will seek an arbitrated decision.

16. Within three (3) days of the Committee decision, the grievor(s) may appeal the decision of the Rights and Grievance Committee in writing to the President of UWOFA. If the decision of the Rights and

Grievance Committee had originally been not to go to Arbitration, on receiving a request for hearing an appeal, the Chair of Rights and Grievance will immediately inform the employer that UWOFA will seek an Arbitrated decision in order to meet Collective Agreement deadlines.

- a) The appeal shall be heard by a three-person Appeals Committee consisting of a Member experienced in grievance procedures and two Members, chosen randomly, from the Board of Directors not currently serving on the Rights and Grievance Committee or having previously been involved in the case. The Professional Officer shall be present as a non-voting resource person.
- b) At this meeting the grievor(s) and the Committee member who chaired the original meeting will both be asked to present a review the case and to answer questions from the Appeals Committee. After their presentations, the grievor(s) and committee chair will leave.
- c) The decision on the appeal will be made by a vote of all three members of the Appeal Committee. The motion must be presented in the affirmative. Abstentions are not permitted. This vote will be recorded and forwarded to the President of UWOFA.

17. The President of UWOFA will forward to the Board of Directors the numerical record of the original Committee vote, plus the written statement of reasons for the decision. If the decision was appealed, the President will also report the result of the appeal. If the Board overturns a decision presented to it to go to Arbitration or upholds a decision of the Appeals Committee not to go to Arbitration, the President of UWOFA will inform the employer that the arbitration is withdrawn.

Approved
Board – March 4, 2005