

Grievance Policy

Introduction

Every UWOFA Member's employment at the University of Western Ontario is governed by the terms set out in the relevant Collective Agreement negotiated between UWOFA (sometimes referred to as the Association) and the University (usually referred to as the Employer). When both sides abide by both the letter and the spirit of the terms of the Collective Agreement, there are no problems. If, however, the Employer appears to violate the terms of the Collective Agreement, this may give rise to a dispute which may then lead to a series of steps we refer to as the Grievance process. The Association is most concerned about the Employer's applications or interpretations of the Collective Agreement which affect our Members in a potentially negative way.

It is important to understand that a Grievance is premised on the belief that there has been a violation of the Collective Agreement. Not all disputes are grievances. The Employer can legitimately make demands on Members which Members may not like, but which are not violations of the Collective Agreement.

It is also important to understand that only the Association can institute a Grievance process, which may be on behalf of an individual Member or a group of Members who have the same dispute. Sometimes the Association will launch a Policy Grievance to clarify interpretations or applications of certain clauses in the Collective Agreement. No Member can launch a Grievance on their own.

Since the Association looks after or carries the Grievance process, we say that they have carriage. The Association is obligated to assist Members in determining whether there is a potential Grievance, and if it is found that there is, the Association provides support to the Member in numerous ways. Any Member who believes that they may have a grievable dispute should begin by contacting the Association for advice. Since there are very specific deadline windows in which to do so, the Member should make this contact at the earliest opportunity.

The Grievance process is a multi-step process which is described in the relevant Collective Agreement. The following policy outlines how the Association handles Grievances.

The Grievance Policy

1. The Board of Directors shall appoint the Grievance Officer pursuant to the Association's bylaws. The Grievance Officer shall chair the Grievance Committee and administer the grievance process for the Association and its Members. The Grievance Officer reports to the Board and to the membership regularly.
2. The Grievance Officer shall negotiate settlements with the Employer. The Grievance Officer is authorized to sign settlements on behalf of the Association.
3. The Grievance Committee shall include a sufficient number of Case Officers to carry out the mandate of the Committee. Case Officers shall be appointed by the Board of Directors and be broadly representative of the membership of both of the Association's Bargaining Units. Case Officers shall not be members of the Board of Directors. Non-voting members of the Grievance Committee shall be the Past President, President, Vice-President, and the Association's Co-Chair of the Joint Committee for the Implementation of the Collective Agreement. The Professional Officer shall advise the Grievance Committee.
4. Acting in accordance with the Association's duty of fair representation, the Grievance Committee shall be responsible for upholding the negotiated rights of the Association and its Members.

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5. Members of the Grievance Committee shall observe the strictest confidentiality. Each Grievance Committee member shall sign a confidentiality agreement and shall be bound by the confidentiality policy of the Association.
6. The Grievance Committee shall convene as necessary to meet grievance filing deadlines. The Grievance Committee shall consider all grievances and potential grievances.
7. The Grievance Officer shall assign a Case Officer to each Member with a potential grievance. By default the Grievance Officer shall serve as Case Officer until such time that a Case Officer has been assigned. Case Officers shall keep the Grievance Officer up to date about each case and provide all relevant documents to the Professional Officer for file management purposes.
8. Case Officers shall meet with the grievor(s), provide assistance, attend the Informal Resolution meeting (if requested), and accompany the Member(s) to the Step 1 meeting.
9. The Grievance Officer shall attend all Step 2 meetings. The Case Officer involved may also attend Step 2 meetings.
10. The Grievance Committee shall establish and maintain a clear workable system for conducting its business during meetings; this shall include working from an agenda available to Grievance Committee members in advance of any meeting. Grievance Committee documents shall be posted to a private, password-protected section of the Association's website.
11. The Grievance Committee shall decide whether or not to file a grievance. The Grievance Committee shall consider: the nature of the grievance, the merits of the case, the implications for the Member(s), the implications for the Association and/or the Collective Agreements, and possible resolutions.
12. The decision to recommend moving a grievance to arbitration shall be made by the Grievance Committee. The Grievance Committee shall consider: the nature of the grievance, the merits of the case, the implications for the Member(s), the implications for the Association and/or the Collective Agreements, possible resolutions, as well as any legal advice received by the Association.
13. A recommendation to move a grievance to arbitration shall be forwarded to the Board of Directors for approval, although the Arbitration can be filed immediately in order to meet the timeline provisions of the Collective Agreements.
14. Decisions of the Grievance Committee are made by simple majority vote of voting members of the Grievance Committee who are present at the meeting. On request from any member of the Grievance Committee, the vote shall be by secret ballot. The grievor(s) shall be informed of the Grievance Committee's decision in a timely manner. The Grievance Officer votes only in the event of a tie.
15. UWOFAs shall maintain a grievance section of the website for individual Members of the Association to consult on grievance policy and relevant matters.

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Appeals

16. If a Member wishes to appeal the decision or behaviour of the case officer or the Grievance Officer or the Grievance Committee, the Member must first appeal to the Grievance Committee. This appeal must be filed within two weeks of the decision or the behaviour, and the Grievance Committee shall hear the complaint within two weeks of its reception.
17. If not satisfied with the decision of the Grievance Committee, the Member may appeal to the President of the Association. This appeal must be filed within one week of the Grievance Committee's decision. The President shall, as expeditiously as possible, convene a tribunal consisting of three members drawn randomly from the UWOFB Board, and shall designate one of those members to serve as chair. The tribunal shall conduct a hearing to hear from both the Member and representative(s) of the Grievance Committee, and shall consider any documentation provided. The tribunal shall report its decision to the President, the Member, and the Grievance Officer within one week of the hearing. The tribunal shall report to the Board at the next Board meeting. The decision of the tribunal is final and can only be appealed on procedural grounds.
18. If any stage of the appeal process moves beyond a timeline required by the Collective Agreement (e.g., for submission of a grievance), the Association must seek to obtain an extension of timelines or proceed with the grievance until such time as the appeal is completed. If the appeal is denied, the grievance shall be withdrawn.

Approved:
Board of Directors – May 27, 2015