

Grievance Policy

Every UWOFA Member's employment is governed by the terms set out in the relevant Collective Agreement negotiated between UWOFA ("the Association") and the University ("the Employer"). If the Employer is believed to have violated the terms of the Collective Agreement, this may give rise to a dispute that may then lead to a series of steps, referred to as the Grievance process.

Not all disputes are grievances. A Grievance is premised on the belief that there has been a violation of the Collective Agreement.

The Association has carriage of (i.e., looks after) the grievance process.

1. The Grievance process is described in the *Grievance and Arbitration* article in the Collective Agreement.
2. The Board of Directors shall appoint the Grievance Officer pursuant to By-law No. 3. 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.
3. The Grievance Officer shall negotiate settlements with the Employer. The Grievance Officer is authorized to sign settlements on behalf of the Association. Should a Member, defended by the Association, be called before an external judicial body (i.e., Human Rights Tribunal of Ontario) and such a case may require monetary settlement, the Grievance Officer and the Professional Officer shall meet with the President and the Executive, along with the appropriate legal counsel, prior to any such hearing, to establish the minimum and/or maximum monetary contribution the Association would be prepared to offer in such a settlement process.
4. 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. Non-voting members shall not be Case Officers. The Professional Officer shall support and advise the Grievance Committee. The Member Services Officer is the Recording Secretary. Both the Professional Officer and the Member Services Officers are non-voting members of the Committee.
5. 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.
6. 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 and the Conflict of Interest policies of the Association.
7. As provided for in the Conflict of Interest policy, a conflict of interest exists when there is a divergence between a Committee member's obligations to UWOFA and the Committee member's personal, professional or other interests. The standard to determine whether a conflict of interest exists is that of an independent observer. Resolution of a conflict is situation-specific and depends on the circumstances. Resolution options include refraining from voting, refraining from participation in discussion and being absent from discussion.

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8. The Grievance Committee shall convene as necessary to provide timely support to Members and meet grievance filing deadlines. The Grievance Committee shall consider all grievances and potential grievances. In determining cases brought forward to the Grievance Committee, the potentiality of a grievance should be interpreted generously.
9. 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. Notwithstanding the above, the Grievance Officer shall serve as Case Officer for Policy Grievances.
10. Case Officers shall meet with the (potential) grievor(s), provide assistance, attend the Informal Resolution meeting (if requested), and accompany the Member(s) to the Step 1 meeting, as outlined in the Collective Agreement.
11. The Grievance Officer shall attend all Step 2 meetings. The Case Officer involved shall accompany the Grievance Officer. The Professional Officer may also attend Step 2 meetings.
12. 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 website.
13. 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 Agreement(s), and possible resolutions. The Case Officer shall communicate the decision of the Grievance Committee to the Member in a timely manner.
14. 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 Agreement(s), possible resolutions, as well as any legal advice received by the Association. The Case Officer shall communicate the decision of the Grievance Committee to the Member in a timely manner.
15. 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 Agreement(s). Should the Board of Directors reject a recommendation to move a grievance to arbitration after an arbitration has been filed, the grievance shall be withdrawn.
16. 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.
17. UWOFA shall maintain a grievance section of the website to provide information to Members about the number and broad themes of on-going and common grievances, grievance policy, and steps to follow if they suspect a violation of the collective agreement.

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Appeals

18. If a Member wishes to appeal the decision 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, and the Grievance Committee shall hear the complaint within two weeks of its reception. If the alleged offending party is the Case Officer and/or the Grievance Officer, they shall be recused from the Grievance Committee deliberations.
19. 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 UWOFA Board, and shall designate one of those members to serve as chair. Any previously serving Tribunal member may decline the opportunity to serve again and the President shall randomly draw another member from the UWOFA Board. The tribunal shall conduct a hearing to hear from the Member (appellant), representative(s) of the Grievance Committee who may be involved in the case, the Grievance Officer and any other witnesses whose testimony may be relevant to the case under appeal. The tribunal shall consider all previous and current documentation relevant to the case under appeal, including any relevant legal opinions that may be pertinent to the deliberations undertaken by the Grievance Committee to arrive at their decisions regarding the case. Any decision by the tribunal must be based upon the language of the collective agreement(s) and/or any legislation that may be relevant to the appeal. The decision of the tribunal cannot prescribe remedies beyond those allowed for in the collective agreement(s) and/or relevant UWOFA policies or bylaws. 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.
20. 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 – August 29, 2023