



## HANDLING THE GRIEVANCE PROCEDURE

The grievance procedure is designed to give the parties multiple attempts to resolve an issue or grievance. At each stage careful record keeping is a must.

1. **Investigate:** A member approaches you with a problem. Almost all collective agreements negotiated by MoveUP contain a clause which allows you, the job steward, to investigate complaints and grievances on company time without loss of pay. Check your agreement under the clause titled "Union Recognition" to find out if you can investigate on company time. If your investigation time is covered under that clause, get authorization from the employer to leave their workstation and find a quiet place to meet with the member.

Tools required for the meeting with the member.

- Union fact sheet
- Collective agreement
- Pen
- Paper

Fill out the union fact sheet as part of the investigation. Complete all six W's –Who, What, Where, When, Why and How – on the fact sheet.

Attach any written details from the member and any documentation provided by the employer. Include a statement from the member with the date, full name of the member and their signature. Be as detailed as possible.

**Keep the fact sheet and information in a secure place as this information is confidential and is for the union's use only.**

2. Review the information from the member and check the collective agreement to see if a violation of the agreement has taken place.

If you identify a violation of the agreement **first try resolving the issue informally with the employer.** If you cannot resolve the violation informally, file a grievance. You may need to contact the assigned union representative or a senior steward for advice.

Also, if the issue is resolved during this preliminary stage, inform the union representative.

**When filing the grievance, check the collective agreement to remind yourself of the appropriate steps and time limits. When dealing with a termination or serious discipline case, always file a grievance.**



### 3. **Filing the grievance**

The filing of grievances is coordinated through the union office.

Get the appropriate grievance form template from the MoveUP website here:  
<http://www.moveuptogether.ca/job-steward-information>

#### Tools required:

- Union fact sheet
- MoveUP grievance form template
- Grievor's statement
- Grievance hearing outline
- Grievance hearing notes
- Witness statements (if necessary)
- Collective agreement.
- Grievance file number

#### ***Individual, group or policy grievance?***

Individual grievances affect a single member. Group grievances affect a group of members. These grievances are processed at stage 1 and stage 2 by the stewards.

Policy grievances are grievance that affects the union and its membership. If you think you have a policy grievance, contact the appropriate union representative. Forward all the information the union representative will need to file the policy grievance. Policy grievances require approval by one of MoveUP's senior union representatives.

Fill in the appropriate sections of the template and send a copy of the completed template and all other required information, such as the grievor's statement, union fact sheet and witness statements, to the union office via email [grievance@moveuptogether.ca](mailto:grievance@moveuptogether.ca).

#### **Important: complete all sections of the grievance template.**

Your administrative support person will open an electronic file in UnionWare, file a copy of the grievance with the employer and copy the steward and the grievor.

The grievance will be assigned a six digit file number (e.g. 14-0034) to the grievance form. You will need to reference this number when sending documents to your administrative support person.

4. **Stage 1:** Arrange a complaint/grievance stage meeting between yourself, the employer and, most times, the member. The collective agreement defines who is involved in the meetings. You will have to evaluate whether the grievor should or should not be in the meeting, depending on the circumstances.



This meeting could be at the complaint stage (informal) or the first stage of the grievance procedure.

Consult the collective agreement to review the stages of the grievance procedure.

You, the member, or both of you must take notes at the meeting. The notes of the meeting and the union fact sheet form part of the investigation. Copy the notes to the union office via your administrative support person with the case number in the subject line of your email.

5. The purpose of the meeting is to find a resolution to the complaint/grievance while protecting the member's rights under the collective agreement. It's important to collect as much information as possible to understand and record in your notes what the **employer's** case will be.

When resolving grievances it's important that you contact your union representative to discuss the settlement and receive approval on the resolution. **Only a union representative approves withdrawal or settlement of a grievance.**

6. The employer will send the complaint/stage 1 written reply to the union office.
7. **Stage 2:** If the answer to a grievance is not acceptable to one or both parties, contact your administrative support person, who, with the assistance of the union representative, will send a letter to the employer referring the grievance to stage 2 of the grievance procedure. You then schedule a stage 2 grievance meeting and usually bring the grievor along.
8. The purpose of the stage 2 meeting is to find a resolution to the grievance while protecting the member's rights under the collective agreement. It's important to collect as much information as possible to understand and record in your notes what the **employer's** case will be. The notes of the meeting form part of the case file and must be copied to the union office to your administrative support person.

When resolving grievances it's important that you contact your union representative to discuss the settlement and receive approval on the resolution.

9. The employer sends the written reply at stage 2 by email to the union office using the bargaining unit email address you've supplied to them. Your administrative support person will copy the stewards and other appropriate people on the reply.
10. **Stage 3:** If the answer to the grievance is not acceptable to one or both parties, contact your union representative to discuss moving the grievance to the final stage of the grievance procedure. The union representative will write a letter to refer the grievance to the final stage of the grievance procedure and convene the final stage meeting. The collective agreement defines who is involved in the meetings. The



union representative will consult with you to evaluate whether the grievor should or should not be in the meeting, depending on the circumstances.

11. **A merit assessment** will be done on the grievance to determine whether to recommend proceeding or not proceeding or settling the grievance to the Arbitration Review committee (ARC).

If unsatisfied with the ARC's assessment, a grievor may appeal the decision. Instructions on how to appeal are provided to the grievor as part of the review process.

12. The grievance, and all associated material, belongs to the union. All information recorded by stewards and union representatives is protected by privacy laws. Release of this information is only by application to and approval of the privacy officer at MoveUP.
13. Signing authority to withdraw, settle or advance a grievance lies with the union, and the president designates this authority to union representatives. Stewards don't have this authority but are kept advised and are part of the decision making process. In some cases the union representative may ask the steward to withdraw the grievance.
14. As a job steward, you are integral to ensuring that hard fought collective agreement rights are upheld during the life of the agreement. Your role is also key to identifying language that needs strengthening in the next round of negotiations, and identifying areas where new language would solve problems that has not been addressed by existing language.