

Grievance procedure

Election of stewards

In order to provide an orderly and speedy procedure for the settling of grievances, the Employer acknowledges the right of the Union to appoint or elect a Steward, whose duties shall be to assist any employee who the Steward represents in preparing and in presenting her/his grievance in accordance with the grievance procedure.

Names of stewards

The Union shall notify the Employer in writing of the name of the Steward before the Employer shall be required to recognize him.

Grievance committee

The Employer shall recognize a Grievance Committee as elected by the Union.

Permission to leave work

The Employer agrees that Stewards shall be permitted to investigate disputes arising from the application of this Collective Agreement. However, the Union recognizes that each Steward is employed to perform full-time work during working hours, except to perform her/his duties under this Agreement. Therefore, no Steward shall leave her/his work without obtaining the permission of her/his supervisor, which permission shall not be withheld unjustly.

Definition of grievance

A grievance shall be defined as an alleged violation of this Collective Agreement, including such factors as the administration, application and interpretation of this Agreement, as well as working conditions.

Settling of grievance

An earnest effort shall be made to settle grievances fairly and promptly in the following manner:

Step 1: The aggrieved employee(s) shall submit the grievance to her/his Steward within fifteen (15) working days of the event giving rise to its occurrence.

Step 2: The employee or Union may submit a grievance to the Executive Director, which must be in written form. Such written grievance must be submitted within fifteen (15) working days of the occurrence of the event which gave rise to the grievance. The Executive Director, to whom the grievance was submitted, shall submit the answer in writing within fifteen (15) working days of the filing of the grievance.

Step 3: Failing a satisfactory settlement being reached in Step 2, the Union may refer the dispute to arbitration within ten (10) days of the receipt of the Executive Director's written decision.

Policy of group grievance

The Union and its representatives shall have the right to originate a grievance on behalf of an employee, or group of employees, and to seek adjustment with the Employer in the manner provided in the Grievance Procedure.

Grievances on safety

An employee may file a grievance at the second step of the Grievance Procedure for preferred handling on a matter arising from alleged unsafe working conditions.

Facilities for grievance meetings

The Employer shall supply the necessary facilities for grievance meetings, provided such facilities are available.

Supplementary agreements

Signed supplementary agreements, if any, shall form part of this Agreement and are subject to the Grievance and Arbitration Procedures.

Failure to act within limits

If the Griever or the Union fail to process a grievance to the next step in the Grievance Procedure within the time limits specified, they shall not be deemed to have prejudiced their position on the processing of any future identical grievances.

Arbitration

When the Union indicates that they intend to submit a grievance(s) to arbitration, advice to this effect shall be made by Registered Mail addressed to the Executive Director of the Association. Disposition of Arbitration cases shall be handled by a single Arbitrator, selected and agreed upon by both parties. If the parties fail to agree on an Arbitrator within ten (10) days of notification, the appointment shall be made by the Minister of Labour, upon request of either party.

Arbitration procedure

The Arbitrator may determine her/his own procedure, but shall give full opportunity to all parties to present evidence and make representation.

Decision of the arbitrator

The decision of the Arbitrator shall be final and binding and enforceable on all parties, but in no event shall the Arbitrator have the power to change the Agreement or to change, alter, modify, extend or amend any of its provisions.

Disagreement on decision

Should the parties disagree as to the meaning of the Arbitrator's decision, either party may apply to the Arbitrator to reconvene the proceeding to clarify the decision, which the Arbitrator shall do within ten (10) working days.

Expenses of the arbitrator

Each party shall pay one-half of the fees and expenses of the Arbitrator.

Amending of time limits

The time limits fixed in both the Grievance and Arbitration Procedures may be extended by consent of the parties in writing.

Witnesses

At any stage of the Grievance or Arbitration Procedures, the parties may have the assistance of the employee(s) concerned as witnesses and other witnesses.

A national organization agreed to post this policy on www.hrcouncil.ca as part of the HR Toolkit. Sample policies are provided for reference only. Always consult current legislation in your jurisdiction to create policies and procedures for your organization

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