

A BARGAINING UNIT GRIEVANCE OFFICER

Duties

- to be chair of the Grievance Committee;
- to be fully knowledgeable of all Articles in the Collective Agreement and to be aware of all appropriate Acts and Regulations;
- to have complete knowledge and understanding of the Bargaining Unit's grievance procedure;
- *Note: It is important that timelines, as laid out in your collective agreement grievance procedure, are followed closely.*
- to maintain records of all alleged violations that were not filed as a grievance and their disposition. These records will be useful in the future when similar allegations arise i.e. for past practice or estoppel purposes especially.
- to maintain a complete file on each grievance, containing all related notes, correspondence, and other relevant documents;
- to report as required to the Bargaining Unit Executive/Council the status of each active grievance and the resolution of each grievance, respecting the rights to confidentiality of individual members;
- to educate/communicate with the Grievor, the Branch Representative, the Principal/Immediate Supervisor, the Executive, the Council, the Collective Bargaining Committee, and Provincial OSSTF/FEESO;
- to consult with a member or group of members concerning a potential grievance;
- to process each grievance as recommended by the Grievance Committee. The process includes: maintain timelines and the filing of the grievance; seek advice from OSSTF/FEESO; attempt to resolve grievance; if necessary, refer the grievance to arbitration with assistance from OSSTF/FEESO; maintain a complete written record of all aspects of the grievance; at any point where a decision is made to not proceed with the grievance, inform the grievor about the appeal process.

Communications

- **Grievance Officer and the Grievor:** Many members do not feel comfortable with the grievance procedure, partly because Step 1 is often dealt with by the immediate supervisor whom the grievor may see as a colleague and/or the boss. Always take the view that the grievance procedure is meant as a problem solving mechanism arising out of an alleged contravention of the collective agreement. It is not a means by which the grievor is put into open conflict with the immediate supervisor.

The Grievance Officer should be prepared to write all necessary correspondence with the Board and to speak on behalf of the grievor at grievance meetings. This is not a muzzling strategy. It simply acknowledges your experience and expertise in the grievance procedure.

As the grievance proceeds through the Steps as prescribed in the collective agreement, the grievor may begin to feel like a pawn in a game of chess between the Union and the Board. Discourage this sentiment by maintaining regular contact with the grievor.

At the arbitration stage of the grievance procedure, time as we normally know it is altered, and what should take days or weeks takes months and even years. Again, regular communication - a brief note, a phone call - will serve to reassure the grievor.

Note: If you decide you should not file the grievance or that you should withdraw it during the process, make sure the grievor is advised that the decision can be appealed and explain the appeal procedure.

- **Grievance Officer and Branch Presidents/Representatives:** The Branch President represents your first line of defense against contract mismanagement. You should provide some training for new Branch Presidents/Staff Representatives. A Contract Maintenance workshop for beginners would be perfect for a training programme. Contact the Protective Services Division for material and assistance.

Also, it would be a good idea to meet annually - usually fairly early in September - with the representative in each worksite to review the salient features of the collective agreement and to re-examine the grievance procedure.

- **Grievance Officer and Principals/Immediate Supervisors:** The better the immediate supervisors know the collective agreement and the grievance procedure, the better it will be for all concerned.
- **Grievance Officer and the Executive:** The Grievance Officer should be on the Bargaining Unit Executive and report directly to it. Grievances proceeding to arbitration must have the approval of the Grievance Committee. When a Grievance Committee believes a grievance should not proceed, an appeal process must be provided to the affected member(s).

In the interests of fair representation, the individuals involved in the appeal process must be different individuals from those involved in the original discussion and/or decision.

- **Grievance Officer and Council:** Outcomes of the grievance process that affect interpretations of the collective agreement or Acts and Regulations should be reported to the District/Bargaining Unit Council.
- **Grievance Officer and CBC:** As Grievance Officer, you, better than anyone, can see what areas of the collective agreement need revision. You must communicate your concerns to the local Collective Bargaining Committee before it completes its brief.
- **Grievance Officer and the Membership:** Every time you sit down with a grievor or a Branch President, and every time you report to the Bargaining Unit Executive or to Council, you are communicating to the membership of your Bargaining Unit. Keep the message simple: you are available; you are understanding; you are competent; and you believe that a collective agreement that is not maintained is a compromised document.

But, don't forget to use other means of communication. First, of course, keep all members affected by a grievance informed of its progress. Next, don't hesitate to put out a memorandum to the members every now and then, letting them know what you have been doing. Or, use your local Newsletter as a means of communicating with your members.

- **Grievance Officer and Provincial OSSTF/FEESO:** Close contact with the appropriate members of the Protective Services Division at the Provincial Office is necessary for the effective processing of a grievance. This should always include consultation with your Protective Services Field Secretary as well.

Filing a Grievance

Although the number of particular steps and the way in which a grievance is processed varies with the particular collective agreement, there are certain general statements that can be made.

In most OSSTF/FEESO collective agreements, the grievor would normally approach the appropriate supervisor and advise him or her of the nature of the complaint. The grievor should have the right to representation at this initial stage. In many of our agreements, this is an informal step and the grievance is not in writing. If the problem is not resolved, the grievance will be formalized and involve Federation representation.

The grievance itself and the resulting answer of the employer normally form part of the material which is filed at the commencement of an arbitration case. Obviously great care must be taken in framing the grievance.

The wording of the grievance may be no more than a simple assertion that a named employee was discharged without just cause. On the other hand the grievance may concern a somewhat complicated and difficult issue that may be difficult to reduce to a simple assertion.

Generally speaking, the written statement need only identify the grievance and the essential circumstances surrounding it. This would entail identifying the particular articles of the collective agreement that have allegedly been violated. In addition, a clear statement of the remedy sought must be included.

The reason for keeping the written grievance as short and concise as possible is that the process usually involves at least three steps before arbitration. At each of these steps discussions will occur between the parties. These meetings should be conducted in a manner that will bring out all of the facts so that the problem can be fully illuminated and understood. These discussions are without prejudice in the sense that neither party may adduce evidence at an arbitration hearing to prove what one or the other said during a grievance meeting.

If either or both sides get caught up in gamesmanship and refuse to disclose all of the facts during the grievance meetings because they are holding their "trump cards" for the arbitration hearing, it will be impossible to resolve the grievance and may cause lasting harm to the relationship between the parties.