

CUPE LOCAL 391 GRIEVANCE POLICY

The purpose of this Policy is to detail the process used by CUPE Local 391 ("the Local") in dealing with grievances and other complaints of members directed towards the employer. Members of the Local recognize the grievances are the property of the Local and will be dealt with according to this Policy. Complaints by members against other members are not covered by this Policy and will be referred to the Local President.

1. Grievance Committee

1.1 The Local will maintain a standing committee known as the Grievance Committee. The Committee will be appointed by the Executive and will have, on behalf of the Local, the responsibility and authority to decide:

- ◆ whether or not to initiate a grievance;
- ◆ whether or not to advance a grievance through the steps of the grievance procedure;
- ◆ whether or not to advance a grievance to arbitration or other dispute resolution forum;
- ◆ whether or not to accept a settlement of a grievance or arbitration;
- ◆ how to deal appropriately with non-grievance complaints or disputes;

subject to the terms of this Policy.

1.2 The Executive of the Local, in consultation with the Grievance Committee, Education Chair, and the CUPE National Education Representative, will ensure that the members of the Grievance Committee receive appropriate training to allow them to perform their duties.

1.3 The Grievance Committee will elect from its members a Grievance Chair and a Recording Secretary.

1.4 The Grievance Chair will ensure that records of all grievances are maintained and deposited with the Local, advise the Executive of the progress of grievances and the decisions of the Committee, and ensure that the decisions of the Committee are communicated to affected members. The Grievance Chair will be entitled to at least one day per month of Local paid time to perform her/his duties.

1.5 The Grievance Chair may chair all meetings of the Committee or the Committee may decide that the chairing of meetings will rotate among members of the Committee.

- 1.6 The Grievance Chair or the Committee member designated to chair the next meeting will develop an agenda for each Committee meeting and circulate it to the members of the Committee and the CUPE National Representative assigned to the Local prior to the meeting. The agenda will include:
- ◆ Rollcall of Committee members present and absent
 - ◆ Adoption of the minutes of the previous meeting
 - ◆ Arbitration report
 - ◆ Grievance report
 - ◆ Old business
 - ◆ New business

Members of the Committee who wish specific items to be placed on the agenda should inform the Chair or Committee member in writing at least five days before the Committee meeting.

- 1.7 The Grievance Committee may decide that the Recording Secretary function will rotate among members of the Committee. The Committee member designated as Recording Secretary will ensure that accurate minutes of the Committee meetings are taken and will circulate the minutes to all members of the Committee and the CUPE National Representative. The minutes of Grievance Committee meetings will be considered confidential and will not be circulated to any other persons.
- 1.8 The Grievance Committee will meet as determined by the Committee or as directed by the Executive. A quorum of the Committee will be three members of the Committee. The Committee will attempt to make all decisions based on consensus of its members. If this is not possible, a simple majority vote of the Committee is required.
- 1.9 The Local President will be entitled to attend all meetings of the Grievance Committee. The CUPE National Representative may be invited.

2. Grievances and Complaints

- 2.1 If members of the Local believe they have a grievance or complaint against the employer, they will discuss the issue with a member of the Grievance Committee. To facilitate this, the Committee will ensure that a list of Committee members with contact phone numbers and/or email addresses is posted at all worksites on a regular basis.
- 2.2 The representative of the Grievance Committee who hears a potential grievance or complaint will refer the grievance or complaint to the next meeting of the Committee. The Committee will review the complaint and determine whether there is a grievance or other legitimate complaint against the employer.

- 2.3 If the Grievance Committee determines there is a grievance, it will initiate a grievance and assign grievance handlers to be responsible for the conduct of the grievance.
- 2.4 If the Grievance Committee determines there is not a grievance but there is a valid complaint, the Committee will determine the best method of resolving the complaint and will assign complaint handlers to be responsible for the conduct of the complaint.
- 2.5 If the Grievance Committee determines that there is not a grievance or complaint, the Grievance Chair will advise the grievor or complainant of the decision within 14 days of the decision.
- 2.6 If a member of the Local approaches a member of the Grievance Committee with a potential grievance or complaint, and that grievance or complaint cannot be referred to the Committee at its next meeting without offending the grievance time limits contained in the Collective Agreement, that member of the Committee may initiate a grievance in consultation with the Grievance Chair, subject to approval at the next Committee meeting.
- 2.7 The Executive may refer any policy grievance or dispute to the Grievance Committee with instructions regarding how it wishes the Committee to deal with the issue. If the Committee becomes aware of any policy grievances or disputes, it may pursue them but will advise the Executive of the grievance or dispute and will seek the Executive's direction regarding pursuit of the issue.
- 2.8 The grievance or complaint handlers will advise the Grievance Committee on a regular basis, to be determined by the Committee, of the status of each grievance or complaint.
- 2.9 If the grievance or complaint handlers believe at any point in the process that the grievance or complaint should not be advanced to a further level, they will report that to the next meeting of the Grievance Committee with their rationale. The Committee will determine whether to proceed or not. If the Committee determines that a grievance or complaint should not proceed, the Committee will advise the grievor or complainant in writing of the decision within 14 days of the decision.
- 2.10 If a grievance has not been resolved at Step 4, the Grievance Committee will determine if the grievance should be referred to arbitration. In making this determination, the Committee will review all of the information revealed through the grievance procedure, will consult with its CUPE National Representative, and will seek any additional information required.

2.11 If the Grievance Committee determines that a grievance should not proceed to arbitration, the Grievance Committee will advise the grievor in writing within 14 days of the decision.

3. Grievance Settlements

3.1 The Grievance Committee will consider any reasonable proposal from the Employer to settle a grievance or arbitration.

3.2 In the case of a grievance or arbitration affecting only an individual member or individual members of the Local, the Grievance Committee will have the authority to determine whether or not to accept the settlement.

3.3 In the case of a grievance or arbitration affecting a policy matter or a Collective Agreement interpretation, the Grievance Committee will make a recommendation regarding the settlement to the Executive. The Executive will determine whether or not to accept the settlement.

3.4 The Grievance Committee or the Executive will consult with the National Representative before determining whether to accept a settlement or not.

3.5 Members who disagree with settlements of individual grievances which do not have policy implications or do not involve Collective Agreement interpretation may appeal the decision to settle as provided for in the Appeal Procedure contained in Section 4 of this Policy. Decisions of the Executive regarding policy or Collective Agreement interpretation matters are not subject to appeal.

4. Appeal Procedure

4.1 If members involved with a grievance or complaint disagree with the decision of the Grievance Committee not to proceed with the grievance or complaint or with the decision to settle a grievance, the members may appeal that decision to the Executive.

4.2 If members wish to appeal the decision of the Grievance Committee to the Executive, the members will advise the Executive in writing within 14 days of being advised of the decision of the Committee.

4.3 Members who indicate they wish to appeal the decision of the Grievance Committee will be invited to the next scheduled meeting of the Executive that is at least 14 days following receipt of the notice from the Committee.

- 4.4 Members must attend the Executive meeting and will be entitled to make whatever representations they consider appropriate. Representatives of the Grievance Committee must also attend and will be entitled to make whatever representations they consider appropriate. The Executive reserves the right to determine time limits for these representations. The Executive may invite its National Representative to participate in these discussions.
- 4.5 The Executive will give full consideration to the representations and will render a decision which will be sent to the members and the Grievance Chair, in writing, by the Executive within 14 days of the meeting. The Executive's decision will include the rationale for reaching its decision.
- 4.6 Should the Executive decide that it requires additional information, it will acquire this information as quickly as possible and the 14 day period may be extended. If this is necessary, the Executive will advise the member and the Grievance Chair in writing.
- 4.7 The decision of the Executive will be final and binding.
- 4.8 All members of the Local must use this internal appeal procedure before initiating any outside action.

5. General

- 5.1 Where this Policy requires notice in writing, notice by email through the employer's email system is sufficient, providing the person requiring notice is part of that system. Notice to other email addresses is also sufficient, providing the person requiring notice has provided an alternative email address. Records of all email messages will be kept by the Grievance Committee or Executive, as the case may be.
- 5.2 Where the plural is used in this Policy, the singular will also apply when the context requires it.
- 5.3 When the Grievance Committee advises a member that a grievance will not proceed or that a grievance has been settled, they will also advise the member that an appeal procedure exists and will attach a copy of Section 4 of this Policy to the correspondence.
- 5.4 "Collective Agreement interpretation" as used in this policy means an interpretation of the Agreement that may have a significant impact on the interpretation of the Agreement or a significant impact on other members not directly affected by a particular grievance.

