



## A Guide to Grievances for AUT Members

### **Mandate**

The role of the Grievance Committee shall to ensure the just and equitable treatment and evaluation of Association members; to defend and seek enforcement of all contractual arrangements between the Association and the employer; and to make recommendations to the Executive.

### **Composition**

The Chief Grievance Officer is appointed by the Executive Committee and chairs the Grievance Committee. Two (2) members are elected by the membership. Additional members are appointed by the Executive Committee. The normal term of office for committee members is two (2) years.

### **Definition of a Grievance**

At its most basic level, a grievance is a formal complaint concerning a violation of the legal terms and conditions of employment in a workplace. While not all complaints are grievances, the union has an obligation to take all concerns seriously. Please note that the Grievance Committee does not and cannot pursue complaints about other AUT members. The committee's jurisdiction applies only to employer violations of the collective agreement. If you are not certain, please consult a Grievance Officer.

*Grievances may arise from employee rights as described in the collective agreement, but they may also arise from common law rights and rights under employment-related statutes, both provincial and federal. Common law rights include freedom from battery, assault, intentional infliction of mental suffering, negligence, and defamation; employment-related statutes include human rights, employment standards, pension benefits, privacy, and occupational health and safety legislation.*

### **Confidentiality**

Confidentiality is the assurance that access to all information obtained in a grievance process will be limited to appropriate individuals.

In order to determine the merits of a grievance, and whether to proceed to arbitration, members of the Executive and the Grievance Committee need to be fully informed about the particulars of a case. The AUT expects members of these committees to maintain strict confidentiality about the particulars of a case. However, the process requires some disclosure when we investigate a complaint, consult with CAUT and our legal counsel or

when we bring the grievance to the employer. In addition, in the course of an arbitration hearing, the particulars of a case must and will be disclosed to the arbitrator, to the employer and the employer's counsel.

Beyond this, the contents of interviews, materials and information obtained in any individual or group grievance process are held in strict confidence.

### **Conflict of Interest and Bias**

A conflict of interest occurs when a person has the duty to fairly decide or vote on an issue, and there is a reasonable presumption that the person stands to benefit or be harmed from a certain resolution of the issue.

Any Grievance Officer or member of the Executive Committee who believes that she or he may be in a position of conflict of interest shall excuse herself/himself from all deliberations regarding any matter for which it is believed there is a conflict.

### **Complaint and Grievance Handling Process**

*StFXAUT members are strongly encouraged to contact the Grievance Committee **prior** to initiating any informal attempts to resolve a complaint.*

A member who wants to file a **formal grievance** must contact the Chief Grievance Officer or any other Grievance Officer. A Grievance Officer will meet with the complainant to obtain details of the case. After the initial meeting, the Grievance Officer(s) will discuss the case and consultation with the Executive to decide whether or not the AUT should carry the case. The decision depends on many factors (e.g., extent and severity of the violation, impact on other members). The decision is arrived at through consensus or by majority vote among Grievance Officers, after careful consideration of all available information.

When necessary, and subject to the approval of the Executive of the AUT, the Grievance Committee may seek and be guided by informed legal advice.

If the Grievance Committee decides that the complaint is not a grievance, the committee explains why in writing to the complainant and the Executive of the AUT. The complainant can appeal this decision to the Executive. The complainant or grievor must appeal as soon as possible, due to the time limits of the grievance process. Time limits can only be extended by the agreement of the AUT and the employer.

If the AUT executive and Grievance Committee decide that the complaint is a grievance, the Grievance Committee follows the grievance procedure outlined in the Collective Agreement.

## **Time Limits**

In the grievance process, deadlines are crucially important and must be met unless there is an agreement between the parties to extend the deadlines. Generally-speaking a member and the AUT must file a grievance within 30 working days from the date when the event giving rise to the grievance occurred, or when the member/AUT ought reasonably to have known of the event.

## **Documentation**

Grievance Officers keep all documentation and information pertaining to a case confidential and securely stored. At the end of a case, all documents and information are transferred to the Chief Grievance Officer for secure storage. Only the Grievance Officers and President of the AUT may access these documents age. When a case is closed, the documentation and information becomes the property of the AUT.

## **Duty of Fair Representation**

Recommendations and decisions of the Grievance Committee and the Executive must meet the test of the duty of fair representation, meaning that these recommendations and decisions cannot be arbitrary, discriminatory, or in bad faith.