



Grievance Process

Grab a coffee and let's chat!



Lee Easton – MRFA President

Heather McLellan – MRFA Senior Grievance Officer

Derrick Antson – MRFA Labour Relations Officer



What is a grievance?

- According to canadianlabour.ca a grievance is:
 - *... a violation of the employee's rights on the job – whether under the collective agreement or under legislation. Not all complaints are grievances. They need to clearly violate either the contract or the law.*
- For the purposes of today's session we will focus on violations of the Collective Agreement and the steps and stages outlined in the MRFA Bylaws and Policy and Procedure Manual.
- When in doubt....contact the Labour Relations Officer!

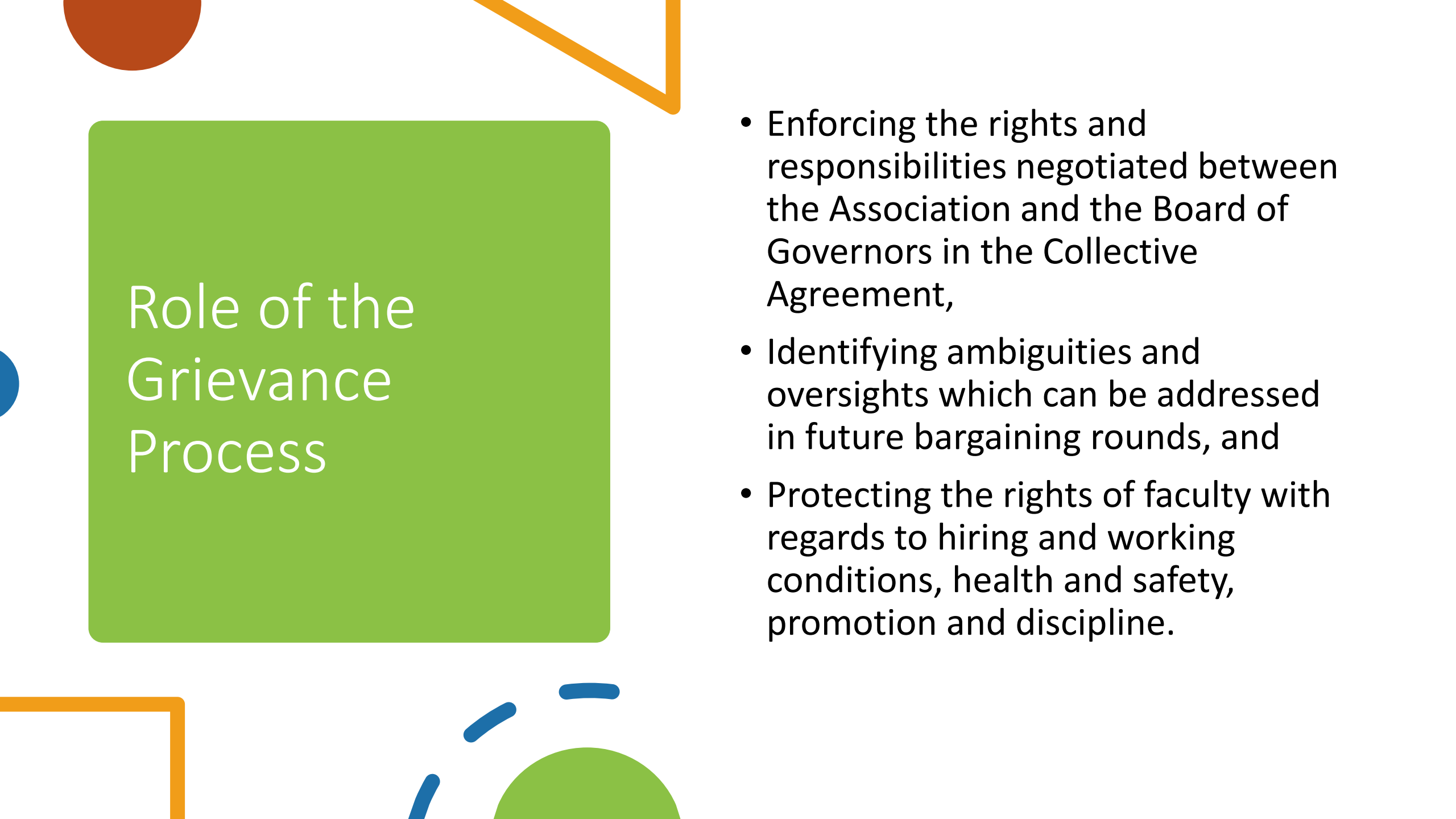
MFRA Collective Agreement Definition

- 20.1 A grievance is a difference arising:
 - 20.1.1 with respect to the interpretation, application or operation of this Agreement; or
 - 20.1.2 with respect to a contravention or alleged contravention of this Agreement; or
 - 20.1.3 with respect to whether a difference referred to in Article 20.1.1 or 20.1.2 can be the subject of arbitration between the Parties to, or persons bound by, this Agreement and not otherwise covered by other procedures in the Agreement

Is a grievance always the right process?

- A grievance or a grievance alone is not always the right first step
 - Harassment – Personal Harassment Policy
 - Violence – Security / Policy
 - Research ethics violations – ORSCE
- When in doubt contact the Labour Relations Officer!





Role of the Grievance Process

- Enforcing the rights and responsibilities negotiated between the Association and the Board of Governors in the Collective Agreement,
- Identifying ambiguities and oversights which can be addressed in future bargaining rounds, and
- Protecting the rights of faculty with regards to hiring and working conditions, health and safety, promotion and discipline.



Important to
note...

- Members do not grieve other members...all grievances are between the MRFA members (or association) and the employer
- Chairs may attend a grievance meeting at the request of a Dean to provide information but they are NEVER the target of a grievance. Individual support from the MRFA will be provided to any Chair who is in this position to ensure they are not caught in the middle of the process



Role of the Senior Grievance Officer

- Serves as the Association's representative at the various levels of the grievance process. Depending on the case this could result in the Senior Grievance Officer listening, taking notes, and providing references from the collective agreement during a meeting or could result in the Senior Grievance Officer actively participating in the meeting arguing on behalf of the member against the Employer.
- Supervise and delegate tasks to the LRO.
- Have a voting role within the Grievance Committee and the Executive Board.
- Have access to confidential information (e.g. names, departments), unless a conflict of interest has been identified.



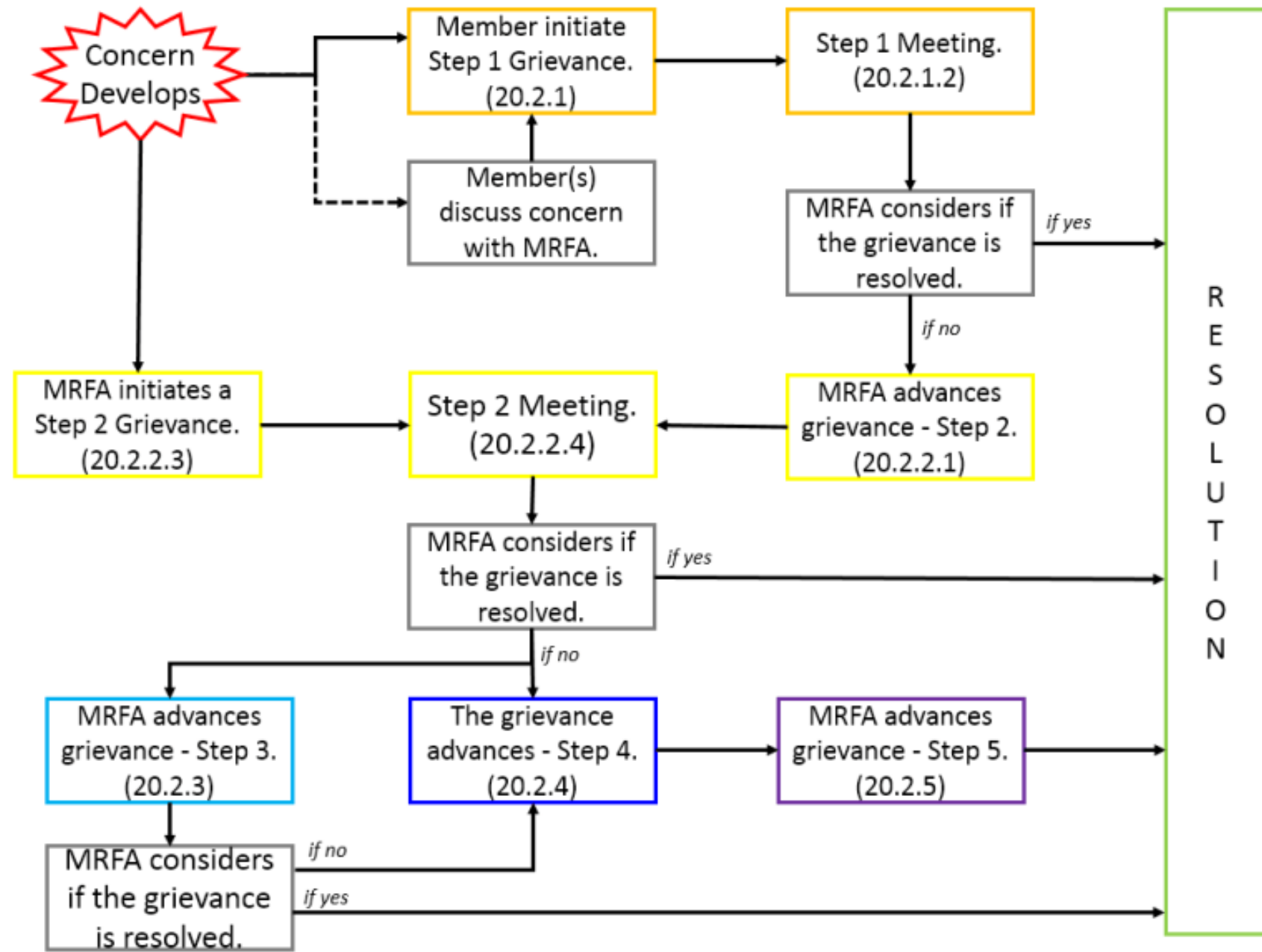
Role of the Grievance Committee

- The Committee receives and reviews reports from each stage of the grievance process.
- Has the authority to:
 - Determine if a grievance advances from Step 1 to Step 2,
 - Recommend a grievance be initiated at Step 2,
 - Recommend nominees to participate in the Step 3 process, and
 - Recommend a grievance be advanced from Step 4 to Step 5.




Role of the MRFA Executive Board

- Provides oversight to the Senior Grievance Officer, the Grievance Committee, and the LRO.
- Has the authority to:
 - Initiate a Step 2 grievance, and
 - Advance a grievance from Step 4 to Step 5.




Step One

- Grievances at Step 1 are initiated by Employee(s). A member provides written notice to their Dean, with copy to the Association. This notice must be sent within 15 working days of the individual gaining knowledge of the act causing the grievance.
 - A Step 1 meeting(s) will be organized between the individual, their Dean, and the Association to exchange information related to the following:
 - What is the concern?
 - When did the concern take place?
 - Are there any additional witnesses and/or supporting evidence that needs to be gathered?
 - How does the concern relate to the collective agreement/legislation?
 - Do the parties agree on how to resolve the concern?
 - Once the meeting(s) is/are concluded, the Senior Grievance Officer will advise the Grievance Committee of the outcome.
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Step Two

- Upon receiving the Step 1 report, the Grievance Committee will consider if the grievance should advance to Step 2 of the process.
 - Alternatively, the Committee may consider a motion to initiate a Step 2 grievance.
- Once the Association has determined that a grievance shall reach Step 2, notice is provided to the Employer and a meeting(s) is scheduled between the Senior Grievance Officer and the Provost and Vice President, Academic. There are three possible outcomes from this:
 - A settlement,
 - A partial settlement, which is referred to Step 3, or
 - No settlement, which proceeds to Step 4.

Step Three

- Requires the formation of a “Grievance Committee” jointly staffed by the two appointees from the Association and two appointees from the Board.
 - This committee is tasked with finalizing a partial resolution.
 - Should a resolution not be possible, the committee is tasked with producing a report that will inform the process at Step 4.
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Step Four

- Is a procedural “sober second thought” that awards the Association time to consider if it shall advance a grievance to arbitration (i.e. Step 5).
- Within this stage, the Association reviews a variety of information such as legal opinions, grievor input, Association priorities, and past precedence.



Step Five

Arbitration (Article 20.3)

Can be a single arbitrator or a
arbitration board (three people).

Results in a final and binding
outcome.