

SOME COMMON QUESTIONS ABOUT GRIEVANCES

Why is there a grievance procedure? In order to provide labour stability (no withdrawal of labour) there is a requirement in the BC Labour Code that every collective agreement contain grievance procedures that provide a process for employers and the unions to use to resolve disputes that arise during the time between regular contract negotiations.

What is a grievance?

A grievance is a claim or complaint against the employer involving the interpretation, application or alleged violation of a collective agreement

Different types of grievances

Individual grievance: relating to one employee;

Group grievance: relating to a group of employees similarly affected by an employer;

Policy grievance: relating to a matter of workplace policy or general application of the collective agreement;

Union grievance: relating to a matter directly affecting the union (e.g. not deducting union dues).

How will I know?

Sit down with your shop steward and describe the problem as thoroughly as you can. Your shop steward will take notes, using a grievance fact sheet. Look at your collective agreement, the contract isn't always easy to read but your shop steward can help you and will tell you how the Union interprets the language in the agreement.

Who does what?

Your shop steward will investigate your complaint, talk to the employer for more information and file a grievance if a violation of the collective agreement is found. As the grievance progresses through the steps of the grievance procedure, the chief-shop steward and/or other executive members can become involved.

What happens during the process?

The grievance procedure is designed to give the employer and the union the chance to exchange information and evidence in order to try to resolve a complaint. At each step of the grievance procedure, a higher level of management becomes part of the discussion and may settle the grievance. You will be kept informed at every step of the process about what took place and what happens next.

What if I don't agree with my shop steward?

Occasionally, it may happen that your shop steward or other representatives of the union feel that, as a result of a grievance investigation and weighing the merits of the case, the union should not proceed further with a grievance. If you disagree with the assessment or have evidence which did not come to light during the investigation, you can meet with the executive board before a final decision is made. If you are not satisfied with the decision of the executive, you are entitled to put your case to the membership at a general membership meeting before a final decision is made about whether to proceed with the grievance or to withdraw the grievance (not proceed to arbitration).

How long will this take?

The grievance procedure contains timelines for each step of the procedure. However, there may be reasons why the timelines need to be extended; for example, the union doesn't have any control over how long it takes for the employer to respond at each step. As well, it takes time to complete a full investigation in order to get to the merits of the grievance and resolve it. Should the grievance proceed to arbitration, the length of time is longer. There are several people involved in an arbitration including the arbitrator, lawyers, union and employer representatives, the griever, employer and union witnesses. It is often quite a challenge to find hearing dates when everyone involved is available. In addition, depending on the complexity of the issue, arbitration can take from one day to many weeks or months to complete.

This information is provided for discussion purposes only and cannot be used as evidence of a Union's interpretation or application of the grievance procedure.