



GRIEVANCE COMMITTEE POLICY AND PRACTICES

Approved by the Executive on: May 17, 2022

Introduction

LUFA Grievance Officers are the link between LUFA members and the LUFA Chief Grievance Officer (CGO). A grievance is any dispute or difference arising out of the application, interpretation, administration, or alleged violation of the provisions of the Collective Agreement. LUFA grievance officers are trained LUFA representatives and assist LUFA Members in the informal and formal grievance process keeping in mind the Association's **duty of fair representation as per Section 74 of the Ontario *Labour Relations Act***:

A trade union or council of trade unions, so long as it continues to be entitled to represent employees in a bargaining unit, shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees in the unit, whether or not members of the trade union or of any constituent union of the council of trade unions, as the case may be

The Grievance Committee is a committee whose membership is appointed in accordance with LUFA bylaws. The Grievance Committee comprises the Chief Grievance Officer and grievance officers who work under the direction of the Chief Grievance Officer.

1. The Role of the Grievance Committee

- a. The Grievance Committee functions to protect the interests of LUFA members stipulated by the Collective Agreement and to protect the integrity of the Collective Agreement. All LUFA members are treated fairly and consistently in any dealings with the University Administration as per the Collective Agreement.
- b. LUFA grievance officers and the LUFA Chief Grievance Officer investigate grievances and assist LUFA members to resolve grievances LUFA members have with the University Administration related to provisions of the Collective Agreement according to **Article 30** of the Collective Agreement. LUFA grievance officers also provide support to LUFA members (if requested by the member) when a LUFA member is being investigated by the University or its appointed agents according to University policies.

2. Conflict of Interest

- a. A conflict of interest is any situation in which some interests would be likely to affect, or may reasonably be seen to affect, the impartiality or judgment of, or advice given by, the person representing a Grievor.
- b. When a LUFA grievance officer (including the Chief Grievance Officer) finds themselves in a position of conflict of interest they are to consult with the Chief Grievance Officer or the LUFA President (when the Chief Grievance Officer is in such a position) for judgment as to whether a conflict exists, and is to excuse themselves from all deliberations of the Grievance Committee or the involvement in a particular grievance regarding any matter where it is decided there is a conflict.
- c. No LUFA grievance officer shall handle any grievance, or participate in the discussion of any grievance, where the Grievor is a member of the same Department/School as the Grievance Officer.

- d. Should a grievance officer become either a Grievor or the object of another grievance, that grievance officer shall temporarily step down from the Grievance Committee until the grievance is resolved.

3. The Responsibilities of the Chief Grievance Officer

a. Governance

The LUFA Chief Grievance Officer and the LUFA President (or the Chief Negotiator, if the President is not available) have the signing authority for written settlements and/or Minutes of Settlement. The Chief Grievance Officer has the authority to seek advice from the legal counsel. The Chief Grievance Officer will share communications related to any grievance matter to the President from **(i)** the University's Board of Governors' Chief Grievance Officer; **(ii)** Advise from LUFA legal counsel related to grievances; and **(iii)** the decision on whether or not a grievance will proceed to Step III prior to the submission of a Step III grievance to the University (**Article 30.07.02**). A discussion among the Chief Grievance Officer and President is required for any grievance to go to arbitration or to discuss any ambiguity/changes required in the language of the Collective Agreement.

The Chief Grievance Officer will report to LUFA members at LUFA general meetings.

b. Step III Grievance

The Chief Grievance Officer shall seek assistance from the LUFA legal counsel in drafting the Grievance. The Chief Grievance Officer and the President (the Chief Negotiator may attend the meeting if required – especially on Association Grievance) will attend the **STEP III** grievance meeting with the Administration. The Chief Grievance Officer shall lead grievance proceedings at **Step III** and may be supported by other Grievance Committee members.

c. Step IV Arbitration

The Chief Grievance Officer shall advise LUFA Executive of grievances at **Step IV** and will seek approval for arbitration. The Chief Grievance Officer will provide information in confidence to the Executive prior to making a final decision. LUFA legal counsel will lead the arbitration.

d. Liaison

The Chief Grievance Officer may liaise between LUFA's legal counsel and the Executive committee.

e. Management of Grievance Officers

The Chief Grievance Officer undertakes to:

- Train its Grievance Officers to develop their expertise in handling grievances and provide input on possible amendments to the Collective Agreement.
- The associating authority to determine whether LUFA will support a specific grievance and assign Grievance Officers to each file.
- Provide ongoing guidance and support to grievance offers regarding ongoing matters
- Appoint grievance officers.

4. The responsibilities of grievance officers

a. Familiarity with contractual documents

Members of the Grievance Committee shall make themselves familiar with the Collective Agreement, University policies affecting LUFA members, and applicable legislation.

b. Duty of Fair Representation

The *Labour Relations Act* (s.74) provides: “A trade union or council of trade unions, so long as it continues to be entitled to represent employees in a bargaining unit, shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees in the unit.”

c. Confidentiality

An Officer who advises or represents a Grievor owes a duty of confidentiality to the Grievor. All communications between the Grievance Officer and the Grievor that relate to the grievance must not be disclosed to any third party without the consent of the Grievor.

Information about a particular grievance may be shared and discussed within this group as required, but must not be divulged outside of this circle except on the advice of the Association’s legal counsel.

d. Records

Records of grievances shall be maintained according to the established procedures and practices of the Grievance Committee.

It is the responsibility of the grievance officer representing a LUFA member in grievance proceedings, whether formal or informal, to document thoroughly all matters and to maintain, with due care and in strictest confidence, up-to-date files. As soon as is possible, consistent with the provisions of this herein document and the Collective Agreement regarding confidentiality and conflict of interest, all notes and files are to be transferred to the Chief Grievance Officer.

e. Recommendations for change to Collective Agreement

The Grievance Committee shall, based on its experience administering the current Collective Agreement, identify and recommend to the Negotiating Committee areas of the Collective Agreement in which improvements should be sought in negotiations.

5. Practices and Procedures

- a. The Grievance Committee shall keep minutes of its meetings, though discussions of cases are not minuted.
- b. The Grievance Committee shall meet once a term; in addition, special meetings may be called.
- c. All documents of a private and personal nature collected by the Grievance Committee during its activities in respect of a case shall be retained by LUFA in a secure location. Grievance officers may keep notes or records of their investigations while working on a case. These documents are considered confidential and must be kept securely while the case is ongoing. They should not be retained after the grievance officer is finished working on the case for the LUFA Member.
- d. Original, photocopied, or printed from email documentation submitted by a grievor shall be maintained in individual case files belonging to LUFA. Filing of documentation shall be done as soon as possible after it is received.
- e. Original opinion letters and Minutes of Settlement shall be filed in individual case files retained by LUFA in a secure location. A copy of the Minutes of Settlement shall be filed with LUFA's lawyer.
- f. While the Grievance Committee will make its best efforts to offer continuity, it cannot guarantee that the same grievance officer will serve throughout the process of a grievance.

- g. In exceptional circumstances, individuals with a previous grievance or conflict resolution expertise may be recruited from outside the committee.
- h. The grievance officers may not make any commitment to a grievor for financial aid or legal assistance.
- i. In grievances with ramifications for association policy or of general concern to the faculty, interpretations of policy must be referred to the LUFA members of the Joint Committee for prior approval.
- j. Grievance officers will respect the confidentiality of personal information in the grievance process. Personal information, if any, is presented in camera to the LUFA Executive and, thus, remains, confidential.
- k. Potential Grievors will be provided with the grievance protocol document describing the Grievance Committee's processes, confidentiality, the requirement for the provision of information, and privacy practices. Grievors must sign the document before an official grievance file can be opened.