



## Internal Grievance Procedure Policy

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Grievances are among the most important means of protecting and asserting the rights of our members.

The steps in a grievance are delineated in the Collective Agreement, Article 7. However, these steps are described in terms of the interaction between the FSA and the UFV Administration. The FSA must also take internal steps to decide when it will begin a grievance and how it will respond to Administration's offers during the grievance process.

This document outlines the grievance process as it occurs within the FSA in order:

- To ensure consistent and professional handling of grievances
- So that our members can understand how their union handles complaints/grievances.

### Principles and/or Assumptions:

1. Grievances will be handled according to the Collective Agreement, following the process as outlined in Article 7.
2. Confidentiality is crucial in handling grievances. Stewards and Chief Stewards will protect the identity of individuals whose cases they are handling. However, members involved in grievances should be informed at the beginning of a consultation that other members of the FSA Executive may be involved in the discussion and resolution of grievances. The member can then make an informed decision on what information to share. The whole Executive must be aware of the need for confidentiality, and all discussion of grievances will be conducted in camera.
3. The decision to pursue a grievance belongs to the FSA, not to individual members. Although always protecting the rights of individual members, the FSA is responsible for choosing to pursue a grievance, based on evidence of violation of the collective agreement, and of the ramifications for the membership at large. It is usually beneficial to work problems out before initiating a formal grievance, so the FSA needs to remain both reasonable and flexible. However, the FSA will not shy away from grievances either of an individual or a policy concern if a grievance is needed to protect our members' rights or to propel a long-standing dispute to resolution.
4. Grievances should not be handled in isolation; this would leave the Chief Stewards too vulnerable, and would bypass the opportunity to garner suggestions that might resolve the issues. Opportunities for consultation should be available throughout the process.

5. The Chief Stewards will make regular reports to the FSA Executive, including grievances, at what stage they are, and what general principles and/or contract violations are guiding the grievance(s). This will be done in a way which protects the identity of the members involved.
6. Chief Stewards or the President should consult with the FPSE representative (or other outside legal counsel if necessary) at any point in the process, if assistance is needed.
7. Faculty and Staff Chief Stewards should consult with each other before proceeding to the formal stage of any grievance and during the various stages of a grievance.
8. Before deciding to recommend that a grievance should proceed to arbitration, the Chief Stewards should have the support of an FSA Grievance Review Committee (GRC) to make the decision.

### **FSA Process for Handling Grievances or Potential Grievances:**

1. An individual query may be handled by either an area steward or the Faculty or Staff Chief Steward. As stipulated in the FSA Constitution, the Chief Stewards “are responsible for handling individual membership matters related to contract and workplace administration . . . and will provide relevant information and advice to any Association member who has concerns about workplace issues.”
  - If other members of the executive or of the FSA office staff are approached with an issue, they should refer the individual (or the question) to the appropriate Chief Steward.
  - In cases where a potential conflict of interest might exist with a particular Chief Steward, the other Chief Steward will deal with the case or else an area steward or another executive member may handle the case through Step 1. Note that in the case of a conflict of interest, Chief Stewards have the ability to delegate their role to the Grievances Vice-President.
  - Stewards or other designate who are handling Step 1 of a formal grievance must always do so in consultation with one of the Chief Stewards or the Grievances Vice-President.
  - Consultation between the Chief Stewards and the Grievances Vice-President will normally take place at this stage.
2. When an issue is considered for a grievance, either by an individual member or by the Executive itself, the two Chief Stewards (or designates), the Grievances Vice-President and the President will decide whether a grievance is the best option for dealing with the concern. Where the issue has been raised by a member with a steward, or raised directly by a steward, the steward can attend meeting with voice but no vote. The advice of the FPSE Labour representative should be sought at this or any stage of the grievance process.

The decision of this committee will be conveyed to the FSA Executive as a whole in the Chief Steward's regular report.

3. When the decision is to proceed with a grievance, written notice of the grievance should be sent to the FSA President as well as the other parties identified in the Collective Agreement.
4. Before proceeding to Step 2 of the grievance process as outlined in Article 7, the two Chief Stewards, or in the case of a conflict of interest, one Chief Steward and the other's designate and, if relevant, the area steward, should consult with the FSA President and Grievances Vice-President to discuss the grievance and the difficulties with resolution.

If there is no agreement within this group on proceeding with a grievance, the Chief Steward will consult with the FPSE representative, and will make the decision about whether to proceed.

It is understood that if the grievance proceeds to Step 2, the steward will turn the case over to one of the Chief Stewards.\*

5. Before proceeding to Step 3, the Grievance Review Committee (GRC) will meet to discuss the case and decide whether to proceed to Step 3. In case of a conflict of interest, a Chief Steward may be replaced by a designate in the composition of this committee for the purposes of grievance review. The Chief Steward should also consult with the FPSE representative, and convey their opinion before the committee makes a decision about whether to proceed.

If the GRC recommends that the grievance not be pursued to Step 3, the member has the right to appeal this decision. The member may make a request to the President to convene a review panel and review the decision. See below for appeal process.

6. As required by FPSE protocol, prior to any decision to pursue a grievance to Step 4, or arbitration, the FSA Executive must approve this action.
  - a. Such approval is required when FPSE takes a grievance to the GARC (FPSE's grievance arbitration review committee) for their assessment.
  - b. The FSA Grievance Review Committee will meet to consider the case and prepare a formal recommendation for the FSA Executive. To preserve the anonymity of any individuals involved, the recommendation will be limited to which general principles and/or contract violations are guiding the grievance(s) and whether the case appears strong enough to have a chance of success at arbitration.
  - c. The FSA Executive will meet in camera and will review the recommendation of the Grievance Review Committee before voting on approval.

- d. If the FSA votes to approve the recommendation, the grievance will be forwarded to the FPSE GARC (Grievance Assessment Review Committee). The decision of GARC is binding on the FSA and cannot be appealed by the FSA or the member.

\* The Collective Agreement lays out timelines for each step of a grievance. It is understood that any stage of this process may be streamlined by the FSA if necessary to complete the grievance steps on time.

### **Appeal Process:**

If the GRC decides not to pursue a grievance to Step 3, the member may appeal the decision according to the steps below. However, deadlines imposed by the Collective Agreement must be considered and adhered to, and the FSA President will be responsible for ensuring that Collective Agreement deadlines are met or can be extended through agreement with UFV's management.

1. The member should contact the FSA President in person or by email within three business days of receiving notice that the grievance will not be pursued, and ask that this decision be reviewed by an FSA Grievance Appeal Panel (GAP). If the President is not available to convene a panel, they will appoint an executive member as a designate. The panel will consist of at least three (3) executive members or stewards, and will be chaired by an executive member who has had experience in handling grievances. The importance of confidentiality will be stressed to the GAP members.
2. The President or designate will be responsible for the panel's organization and will designate a chair and schedule the GAP hearing. The President will also request written submissions from the appellant (the griever) and the respondent (Chief Steward or designate), and will forward these to the GAP members. The President will ensure the timelines of the Collective Agreement grievance articles are met and will provide appellant, respondent, and GAP members with suitable deadlines. The President will provide the GAP with procedural guidance to ensure the hearing is conducted according to principles of administrative law and natural justice.
3. The GAP will hear and discuss the case, and a decision will be made either by consensus or by majority vote to uphold or overrule the Chief Steward's recommendation.
4. Within two business days of the GAP hearing, the GAP's decision will be written by the panel chair and submitted to the FSA President who will forward it to the appellant and respondent. The decision will be binding on the member and the FSA.

Members will be made aware of further possibilities of appeal through the BC Labour Code.