



YEU Grievance Procedure

Overarching principles

1. Defending the members' rights is at the center of the process.
2. Everything is not black and white.
3. There are more reasons than a breach of the CA to file a grievance, including political strategies, philosophical reasons and other considerations that will need to be taken into account depending on the situation.
4. Communications **must** be timely, thorough, respectful and transparent by all parties i.e. member, Shop Steward, and YEU Staff members.
5. At the member's request, once YEU takes carriage of the grievance the Shop Steward will be included in communications, and when possible/appropriate meetings between the member and the LRA. If the grievance moves on to a final level or arbitration, with the member's consent, the Shop Steward will be invited to attend the hearings.
6. Once YEU takes carriage of the grievance, the Shop Steward should include the LRA on all communications with the member and keep the LRA informed of any new factors that may impact the grievance.
7. The YEU strives to be an inclusive organization for employees, members, and the public. Behaviours or actions that are discriminatory, harassing, or intimidating, and/or violent will not be tolerated.
8. This is a living document and will be amended from time to time as needed.

Carriage Rights and other Dispute Resolution Mechanisms:

If a union member believes that the employer has not complied with a term of their employment, unionized employees are not generally allowed to commence court proceedings with respect to issues that fall under the Collective Agreement or relevant employment legislation, including Human Rights legislation, Occupational Health and Safety legislation, and any conflict, concern, or dispute arising out of Employment Standards legislation. YG employees fall under the jurisdiction of the Public Service Act and the Labour Relations Act. Instead, unionized employees usually have to seek remedy via the grievance process under the Collective Agreement. The Union and the employer are the two parties to a Collective Agreement, so the Union usually has carriage rights of any grievances that are filed. Typically, this means that the Union decides whether to bring a grievance on behalf of the employee and will file a grievance with the employer on behalf of the employee. If the Union has filed a grievance on behalf of an employee, the employee may be prohibited from asserting their rights elsewhere. For example, before the Human Rights Commission will consider a complaint, union members must demonstrate that they have exhausted all avenues for remedy available to them through their union before the Commission will consider their complaint. In some unionized contexts, members have carriage rights over their grievances, but this is relatively uncommon in Canada. Normally, at YEU the union and the member make a decision together about the risks and benefits of proceeding with a grievance. Sometimes the risks outweigh the benefits. In these cases, YEU explains to the member why the union is unable to support the grievance.

YEU Appeals and Complaints Process:

If a member or a shop steward has a complaint about how the YEU is proceeding with a grievance, they must contact the Executive Director of YEU and discuss their concerns. If resolution or satisfaction is not obtained, then the matter shall be brought to the YEU President or Vice Presidents.

If a staff member of YEU has a complaint arising from their interactions with either the member or the Shop Steward their concerns must be brought to the Executive Director who will then share the concerns with the YEU President or Vice Presidents. Repeated incidents by any party will be dealt with as outlined in the YEU or Local by-laws and any pertinent Collective Agreements.

Is it an Appeal or a Grievance? Special Note on YG suspensions or dismissals:

For Yukon Government employees, challenging a suspension or a dismissal is not done through the regular collective agreement grievance procedure, but through an appeal under the Yukon Public Service Act (PSA).

The PSA dictates that appeals are made directly to the deputy minister, and that they must be made within 10 working days of the receipt of the notice of suspension or dismissal.

This is only half the time allowed in the collective agreement for normal grievances.

Given the appeal is made directly to the deputy minister, they are usually handled by the YEU Labour Relations Advisors. With the tighter time-line for appeals, YG stewards are urged to contact YEU intake as soon as they are aware that someone has been suspended or dismissed.

The Process for Individual Grievances

As the Shop Steward, if a member wants to file an individual grievance, these are the steps to follow.

1. If you have decided to file a grievance and are not asking for assistance reviewing language or merits, a grievance number will be issued to you by a member of the intake team. Please contact intake for a grievance number and please cc Intake when you submit the grievance form to the employer.
2. If you have asked for assistance or review of the grievance language:
 - a) Contact YEU Intake to outline the issue, employer, timeline issues, work area, the date the event occurred, and any other relevant information regarding this grievance. Intake will refer you to the responsible Steward Mentor/Chief Shop Steward/Local President, Intake or Shop Steward Advisor or appropriate Labour Relations Advisor, depending on the nature of the issue. There is now an online fillable intake form that can also be used. The “summary” section can be used by the Shop Steward to draft grievance language if you are comfortable doing so. (the online form is here: [Shop Steward Record of Complaint \(123formbuilder.com\)](https://123formbuilder.com)).
 - b) an Advisor (depending on the nature/lead on the issue) will review the information you provided at intake and acknowledge receipt of your information within 2 business days, or as soon as possible.

- c) You should expect to receive a detailed response within 5 business days. Any delays are to be communicated immediately. If there are extenuating circumstances, i.e. timelines, availability of the member etc. please communicate these issues in the initial intake. The email from the Advisor will include:
 - i. Their opinion as to whether they see a reasonable chance of success for the grievance, based on their review of collective agreement language, relevant legislation, case law, past practice, or other considerations (where appropriate);
 - ii. Language for the grievance form (or amendments to the language already drafted by the Shop Steward if appropriate); and
 - iii. A grievance number.
- d) Following this email, you will determine with the member whether to file a grievance.
- e) If you decide to file, you will file the grievance with the appropriate employer representative and provide a copy to the YEU staff member you have been working with (either a member of the Intake Team, the Shop Steward Advisor or a Labour Relations Advisor).

Following your Level 1 meeting you will:

- 1. Decide with your member if the grievance is resolved, or if you are advancing the grievance to the next level (unless your collective agreement only has 2 levels of grievance, in which case you should see below: Final Level Grievance)
- 2. If you are continuing the grievance, within 2 business days of the meeting you must:
 - a. File the grievance form to the appropriate employer representative,
 - b. Email the Intake Advisor, Shop Steward Advisor or the Labour Relations Advisor with the signed off grievance form, date you filed to Level 2, and notes from the Level 1 meeting.

Final Level Grievance

- 1. Following the grievance meeting, you will decide with your member if the grievance is resolved, or if you wish to continue to the final level grievance with the employer.
- 2. If you wish to continue the grievance, within 2 business days of the meeting you must:
 - a. Complete and submit a YEU Final Level Grievance Checklist form to the LRA, with all documents included. The purpose of this form is to ensure the LRA gets all relevant information to properly understand the grievance, evidence, facts, and why it's important to proceed.
- 3. The LRA will then make a decision whether or not to continue to the final level with the employer.
 - a. If their decision is to continue, the LRA will file to the final level with the employer.
- 4. The LRA will keep the member and Shop Steward (if authorized by the member) apprised of the progress of the grievance, settlement discussions, and hearing dates.
 - a. The Shop Steward may attend the hearing as an observer with member authorization.