

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.

The Shop Steward may attend the hearing as an observer with member authorization.