



## From Your FSA Labour Relations Team: Employee Grievances (Article 3.4)

A grievance initiated by an employee, when done properly and in good faith, provides a mechanism to get your leaders to meet with you to address a problem and discuss solutions. If the grievance cannot be resolved, it could ultimately lead to arbitration, but that should not be the exclusive goal of an Employee Grievance ([See FSA Voice, Oct 2019, pp. 6-7: To Grieve or Not to Grieve](#)).

Below we outline how to do your investigation, write the grievance, prepare the evidence, consult with the FSA labour relations representative (LRR), and conduct yourself in step meetings.

### *Investigate*

Begin by tracking, in detail, the incidents that led to a violation of the [Collective Agreement](#) (CA). Use this template, [Workplace Activity Report](#), and ask other Department members to use this report as well. Request information from your manager and take notes or follow up with an email confirmation.

### *Write the Grievance*

Once you have determined that an article of the [Collective Agreement](#) (CA) has been violated and you have sufficient evidence, write the grievance by answering the following:

1. Which Article of the CA was violated? What incidents created the violation?
2. Who is involved in the disagreement?
3. Where did it happen?
4. Why now, i.e. what is the context of the events that brought us to this disagreement?
5. How to remedy the situation, according to the CA or by past practice?

Keep the grievance succinct, less than one page. Draft it like a letter, but cite Article 3.4, and indicate that this letter is a grievance. You will elaborate with evidence and details during the meetings at the various steps of the grievance.

### *Prepare the Evidence*

You need evidence to support your case! For example, if an issue concerns the violation of a Departmental decision or practice, use minutes of the meeting where the decision/practice was made; if you have been told to perform duties in a manner that violates your rights under the CA, use an email thread where the manager tells you to do so.

Evidence presented at grievance meetings can be used in future meetings by the employer or union, so consider your evidence carefully before presenting it. If you are using evidence supplied to you by a co-worker, obtain their permission.

(cont.)

## From Your FSA Labour Relations Team: Employee Grievances (cont.)

### Consult with FSA Labour Relations

Now that you've written your grievance and determined which evidence you will use, and *before you submit your grievance*, [contact the FSA's labour relations team](#), with an advance copy of the grievance and evidence, and to discuss strategy.

While you may have an issue that pertains to a single person or situation in your department, an FSA Labour Relations Rep (LRR) will bring our perspective on how it impacts members of the entire bargaining unit. We may have useful information that pertains to the grievance, such as an arbitral award on a similar issue, a Memoranda of Agreement (MemAg) that informs your remedy, or other members facing similar issues.

### Follow the Steps

The CA outlines three steps for the Employee Grievance process, before reaching arbitration. Each step, procedurally, mirrors the first, but involves different persons and carries different deadlines. Here are some best practices that apply to all steps and key differences in the later steps. *Peruse Article 3.4 for exact details.*

At each step, give the employer the written grievance; meet them in person, receive their decision in writing, and decide with an LRR whether to proceed. During each meeting you should present your grievance and evidence, listen to the employer's responses, explore remedies, and, if this is a later step, state why you are rejecting, in full or in part, the previous employer decision on your grievance.

Each meeting is an opportunity for you to present your issue to a different person with a fresh perspective on the matter. You may request to have an LRR accompany you or the LRR may decide it is imperative that a representative accompany you. Take good notes during the meeting! We will use them to evaluate the employer's decision at each step.

Your active participation in the process is important. At each step, you and an LRR may:

- accept or reject the employer's decision;
- proceed with, resolve, or withdraw the grievance;
- request more information from management or members.

However, you must adhere to timelines in the CA. Failing to do so will result in grievance forfeiture.

Finally, Article 3.4.3.1 shifts responsibility to an LRR to decide whether to advance the grievance. The grievor's participation at this step remains crucial; however, arbitration is an important legal responsibility of your union. We must consider the entire bargaining unit, as well as your specific case, before proceeding.

Employee grievances *and* their meetings at each step are *meant to be productive, not simply procedural*. Their purpose is to bring focused attention to an issue that might otherwise be overlooked and the ensuing discussions may lead to straightforward or creative solutions to right a wrong.

## Did You Know?



### Considering running for office? Did you know you can get time off work for your campaign?

Article 9.10 of the Collective Agreement allows for leave without pay for any employee who is seeking elected office for municipal, provincial, federal or Indigenous government. If an employee wins the election, they are entitled to further leave without pay while holding office. A member seeking this leave must provide notice in writing to the Institute.