

2.3.6 Labour Relations Decisions Appeals

1. Statement of Intent

As a union under the Labour Code of British Columbia, the FSA has a legal and ethical duty to represent members in a fair, transparent, and accountable manner. It is also the duty of the FSA Staff and Board to make decisions about the allocation of resources in the collective best interest of the entire union. That includes deciding which labour relations matters to move forward in the formal grievance process and which cases to dedicate staffing and financial resources to. From time-to-time, the interests of the collective may clash with the individual interests of our members and the union will need to make decisions that members disagree with. In such cases, it is important to have a mechanism in place for those rare circumstances in which the member wishes to formally appeal a labour relations decision. The policy set out below is related only to situations in which a member wishes to make a complaint about a decision not to file a grievance under the terms set out in the collective agreement. General concerns about member service, staff, or the policies of the union should be directed via the Executive Director (ED) and/or President and, where appropriate, flagged for the Board.

A primary principle of labour relations is that a union should evaluate the potential merits of a grievance by answering two related, though distinct questions; i) Is there a reasonable prospect of success if the matter is moved forward to grievance or arbitration? and ii) Does the issue raised by the grievance have wide applicability across the membership? Generally speaking, a case should meet at least one of those tests before the union chooses to expend collective resources on it.

2. Application

1. If a member is unhappy with a decision they have received they may request a file review, typically undertaken by the Senior Labour Relations Representative (SLRR). If it is a file that was handled by the SLRR the file review would be done by the ED. The results of the file review will be communicated to the member by the ED.
2. Once the member has received written notice from the ED of the results of the file review, the member then has 10 business days to launch a formal appeal if they remain unsatisfied with the union's rationale. In order to launch an appeal, the member must submit a request to the President for an appeal along with written reasons for disputing the decision. Once the appeal has been launched, the ED may ask the Labour Relations team to provide any collective input they deem relevant to the appeal panel.
3. Within 10 business days of receiving the request, the President shall then appoint an impartial 3-member panel, typically comprised of the President and two other board members who are not members of the same department or area as the person appealing.

The panel would then request a written report from the ED on the case, outlining the basic facts of the case along with a brief summary of the rationale provided to the member. The panel is also free, at its discretion, to meet with the member, the ED, the Labour Relations Representative who handled the file, and the FSA's legal counsel. The panel is also free, at its discretion, to ask for further supporting materials from the member and/or FSA staff.

4. The President will issue a written response to the appeal on behalf of the panel, including supporting reasons for the decision. The panel's decision is final and not subject to further appeal.

Revision History

Date	Revision (Brief description)
May 2022	Approved at May Board Meeting
Feb 2022	New policy drafted