

Educational Series - Issue 5 - Grievances

You Asked ... “Why Does It Take So Long To Hear Grievances?”

Definition of a Grievance:

A **grievance** is “an allegation, usually by an individual (employee), but sometimes by the Union or management, of misinterpretation or misapplication of a collective bargaining agreement or of traditional work practices” (Doherty 1989).

Articles 13, 14 and 15 of the Collective Agreement provide for the process by which the Union files grievances on behalf of the Membership. LOU 44 provides for the order of **priority** in which these grievances shall be heard.

*LOU 44 order of **priority**:*

- i) Discharge grievances*
- ii) Grievances in which there is possible irreparable harm (see note below)*
- iii) Return to work grievances*
- iv) Discipline grievances*
- v) All other grievances*

Note: *Irreparable harm is a legal concept which argues that the type of harm threatened cannot be corrected through monetary compensation or conditions cannot be put back the way they were.*

Suspension Pending Discharge/Termination grievances are filed and heard at Level 2 by the Component office, and Discipline grievances are filed and heard at Level 1 by the Local Union office.

Grievances of an individual nature, i.e. meal allowance or block rule grievances, are filed and heard at Level 1 by the Local Union office. Grievances of a policy nature, i.e. contract interpretation that affects the Membership as a whole, are filed and heard at Level 2 by the Component office.

When no satisfactory resolution and/or settlement is reached at these levels, the grievances are advanced to the next level, including arbitration. The Union has the right to decide whether or not to advance a grievance to the next stage.

The Union files hundreds of individual and policy grievances yearly. In 2011 the combined total of level 1 grievances filed by all four Locals was approximately 800. Level 2 grievances filed by the Component totaled 101.

The parties have a Chief Arbitrator, William Kaplan, who hears grievances at the arbitration level. Hearings take place on a monthly basis. Each party provides a monthly review list in accordance with the priority order of grievances. The Arbitrator, to the extent possible, will seek to resolve through mediation the matters on the monthly review list. If the matters cannot be resolved by mediation, the Chief Arbitrator shall decide the matter(s) by expedited arbitration.

Unlike some other collective agreements, our Collective Agreement contains an expedited arbitration process. Without an expedited process, grievances can take years to process.