

THE GRIEVANCE PROCESS

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STEWARD RESPONSIBILITIES IN THE GRIEVANCE PROCESS



- Know the collective agreement and the grievance process
- Monitor the implementation of the collective agreement at your school
- Promptly communicate with your VP Liaison anything that doesn't seem to comply with the collective agreement
- Collect the specifics – emails, documents, witness names, dates, times
- Respond to requests for information from your VP Liaison
- Communicate with the Principal and/or VP to attempt resolution to issues, after consultation with your VP Liaison

DUTY OF FAIR REPRESENTATION

The Union (including stewards) cannot act in a manner that is:

- Arbitrary
- Discriminatory
- Bad Faith



MONITORING BY STEWARDS

- Have the staffing provisions been properly applied?
- Do primary class sizes comply with the caps?
- Is the staffing committee functioning as outlined in the CA?
- Are planning time and supervision prorated for part time members?
- Has any member been assigned duty above 80 minutes a week?
- Is there a tracking mechanism for planning time payback?
- Are extracurriculars voluntary?
- Is the worksite free of discrimination and harassment?

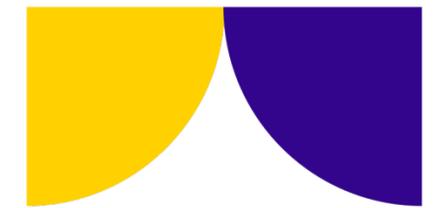
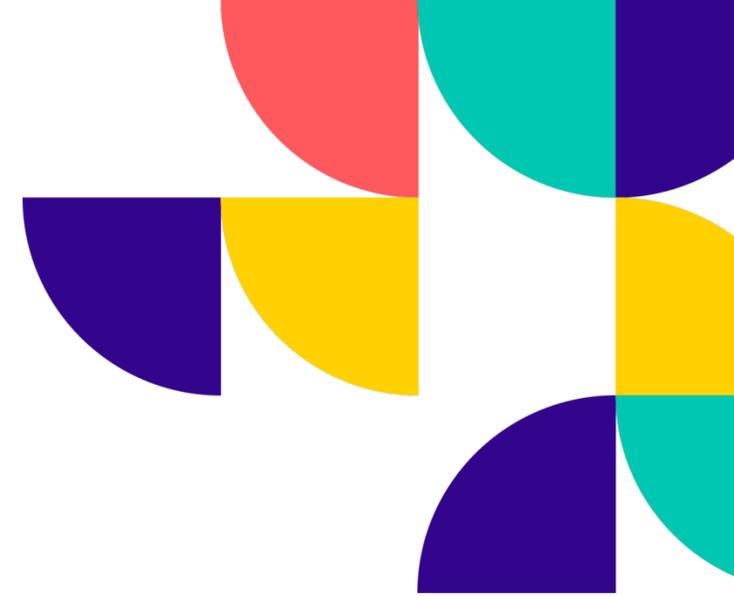


ESTOPPEL AND PAST PRACTICE

- Rights in the collective agreement were freely negotiated by both parties
- Permitting the collective agreement to be breached sends the wrong message to the employer about our resolve to enforce the collective agreement
- Failing to enforce rights can make it more difficult in future because “past practice” factors into arbitrators’ decisions of grievances



TEST YOUR GRIEVANCE PROCESS KNOWLEDGE



HOW MANY GRIEVANCE PROCESSES ARE THERE IN THE COLLECTIVE AGREEMENT?

Two:

- Central
- Local



WHICH CLAUSES DETAIL THE GRIEVANCE PROCESSES?

Central

- C4.00

Local

- L7



HOW MANY STEPS DOES THE GRIEVANCE PROCESS HAVE?

Four:

- Steps 1–3 are processed by the board and the local.
- Step 4 is arbitration.



WHO OWNS THE GRIEVANCE?

- The CA is a contract between the designated bargaining agent for employees (the Union) and the employer (the Board)
- The Union maintains carriage of the grievance, not any individual member or group of members



HOW MANY DAYS DOES THE PETL HAVE TO FILE A GRIEVANCE?

- Step 1 (informal) is 15 days
- Step 2 (formal) is 10 days



CAN THE UNION FILE A GRIEVANCE ON AN ONTARIO HUMAN RIGHTS CODE GROUND?

Yes.

- Arbitrators have jurisdiction to hear and decide on human rights code violations.



CAN THE PRINCIPAL RETALIATE AGAINST A GRIEVOR?

No. The Labour Relations Act and the Collective Agreement protect a grievor from reprisal.



CAN PRINCIPALS INSTRUCT MEMBERS TO VIOLATE THE COLLECTIVE AGREEMENT?

- Comply now, grieve later
- Inform the principal why you object
- Advise the principal that the direction may violate the collective agreement
- Comply with the direction
- Get advice from your VP Liaison as soon as possible



ARE THERE EXCEPTIONS TO COMPLY AND GRIEVE?

Yes.

- Compliance would be illegal
- Reasonable grounds to believe that compliance would endanger you or someone else – for example, a work refusal is an exception to the comply and grieve ethos



CAN A GRIEVANCE BE RESOLVED BEFORE ARBITRATION?

Yes.

- We are sometimes able to settle issues prior to an arbitrator hearing the case



IF I AM REQUIRED TO GIVE EVIDENCE AT AN ARBITRATION HEARING, WILL I BE RELEASED?

Yes.

- Some arbitrations take place during non-instructional periods, but the local would provide release for an arbitration hearing scheduled on a work day.



CAN THE LOCAL FILE A GRIEVANCE WITH REGARD TO THE G-32 OR THE E-1?

Yes.

- Both processes are referred to in the collective agreement.
- What will be considered is if there is a remedy available that would make a member whole



CAN THE LOCAL FILE A GRIEVANCE ON APROVISION IN THE CENTRAL AGREEMENT?

Yes.

- PETL has filed grievances on sick leave (C7.00), diagnostic assessment (C9.00) and consultation on initiatives (C8.00), as examples



STEWARDS ARE THE EYES AND THE EARS OF THE UNION



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