



CUPE Local 1004

GRIEVANCE POLICY

Amended May 2017

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CUPE 1004 Grievance Policy

March 2015

Principles

- Grievor must attend grievance meetings in all cases. The National Representative should be consulted if the Grievor cannot or will not attend.
- A Steward should be assigned to each grievance to work with the relevant member and business agent.
- Members should deal with stewards from their own work unit or at least work department.
- Where a complaint is not to be pursued as a grievance, the member should be advised that the local is not filing a grievance. If applicable, the matter may instead be referred to labour management or bargaining.
- Business Agents are primarily responsible for correspondence with the employer and the grievor regarding grievances.
- If the Union will not be proceeding with the grievance, the member will be advised and a time extension will be requested by the relevant Business Agent to cover the appeal process.
- These principles and policies shall all apply except where there are extenuating circumstances that prevent them from happening.
- Members will be provided two calendar weeks to respond where required and if they fail to do so they will be deemed to have agreed with the proposed course of action.
- The following stages of grievances apply specifically to the City and Parks, but will be used as guidance for grievances in all other areas.

Pre-Grievance

1. When a member has a concern, they should be directed to their steward. Stewards have primary responsibility for pre-grievance intake. The Steward will complete the information gathering and investigation and complete the investigation form.
2. The form will be submitted to the relevant Business Agent who will review the form and matter and offer advice on how to proceed.
3. If the decision is that there is a grievance, the Business Agent and steward will draft the grievance form together.
4. If the decision is that there is no grievance, the Business Agent will advise the member in writing with a copy to the Steward.
5. When a grievance is out of time, file the grievance immediately, in consultation with the National Representative.

Step 1 Grievance

1. The Business Agent will submit the grievance form to the employer with a copy to the Grievor and set up the Step 1 grievance meeting to be held within 20 work days (1 month) of the date the grievance form is submitted.
2. The Steward, where comfortable, will present the grievance with the assistance of the Business Agent.
3. The employer will be given one extension of two weeks if requested to respond.
4. If the grievance is denied or the employer fails to respond within that timeline, the Business agent, in consultation with the Steward will determine whether to proceed to Step 2.

Step 2 Grievance

1. The Business Agent will set up the Step 2 grievance meeting to be held within 20 work days (1 month) of the date the Step 1 grievance was denied or the deadline by which the employer failed to respond.
2. The Business Agent will present the grievance with the assistance of the National Representative if requested. The Steward involved in the grievance will also be invited to attend.
3. The employer will be given up to two extensions of two weeks if requested to respond.
4. If the grievance is denied or the employer fails to respond within that timeline, the Business Agent, in consultation with the Steward and National Representative will determine whether to proceed to Step 3.

Step 3 Grievance

1. The Business Agent will set up the Step 3 grievance meeting to be held within 20 work days (1 month) of the date the Step 2 grievance was denied or the deadline by which the employer failed to respond.
2. The Business Agent or National Representative will present the grievance. The Steward involved in the grievance will also be invited to attend.
3. Extensions of up to eight weeks may be provided if requested to respond.
4. If the grievance is denied or the employer fails to respond within that timeline, the Business Agent, in consultation with the Local President, National Representative and Steward will recommend whether to proceed to Arbitration.

Appeals – Stage 1 - Grievance Committee

1. Where the recommendation is not to proceed to Step I, II, III or arbitration the member will be provided with a written explanation of why the recommendation is not to proceed and how to access the appeal process.
2. Members will be provided with up to two weeks to file an appeal with the grievance committee chair by submitting their appeal.
3. The grievance committee will meet with the affected member(s), relevant Steward, Business Agent and the National Representative to review the appeal.

4. The grievance committee will render their decision within five days of the appeal meeting, advising the grievor(s) of their decision as well as the option for the member to appeal to the executive board if they reject the appeal.

Appeals – Stage 2 - Executive Board

1. The Executive Board will review decisions of the grievance committee only in the event that it is alleged that the grievance committee has conducted itself in a way which is arbitrary, discriminatory or in bad faith. The grievor(s) must submit their reasons for such a review to the Local President or designate, in writing, within fourteen days of the grievance committee communicating their decision to the grievor. The decision of the Executive Board will be final.
2. Note: The designate may not be a member of the Grievance Committee.
3. The Executive Board will meet with the affected member(s), relevant Steward, Business Agent and the National Representative to review the appeal.
4. The Executive Board will render their decision within five calendar days of the appeal meeting, advising the grievor(s) of their decision. This appeal will be final and binding.

Grievance Committee Procedure

- When a recommendation to withdraw a grievance at Step 1 or higher in the process or when the grievor disagrees with a resolve offer, a grievance committee meeting will be arranged. Necessary extensions to the grievance process will be secured by staff to cover the appeal period.
- Duration for the meeting should be booked for 1 hour, outside of working hours.
- In consultation with staff and the National Rep, the committee may request a legal opinion, if they feel it is necessary.
- The grievance committee shall hold all information communicated to it in strict confidentiality.

Composition of Committee

- The meeting will be arranged with the four regular committee members to attend as well as the relevant Unit Chair from the area affected. The meeting should only be scheduled if at least three of the regular committee members can attend.
- If one of the regular committee members or Unit Chair cannot attend, an alternate will be asked to attend in their place.
- If the Unit Chair is vacant, is already on the committee or is otherwise unable to attend, an alternate may be used to fill that space.
- If the chair is absent, they will appoint an acting chair for that meeting.
- A quorum of four will be sufficient to hold a meeting.
- The National Representative assigned to the Local Union and the relevant Business Agent shall be non-voting members of the committee and shall be consulted at all stages.
- If a member of the committee is in a conflict of interest regarding a particular grievance, they will not sit on the committee deciding that grievance.

Grievor's Attendance

The grievor will be invited to attend and may bring one CUPE 1004 Steward to attend for support. If they are regularly scheduled to work during the time of the meeting, they will be provided with a union paid leave of absence.

Committee Meeting Agenda

1. Presentation by Staff regarding case summary and reasons for withdrawal recommendation.
2. Grievor and Steward are brought into the meeting.
3. Presentation by Grievor or Steward of reasons for appeal.
4. Committee asks questions of Grievor/Steward.
5. Dismissal of Grievor and Grievor's steward from meeting.
6. Debate and discussion regarding appeal.
7. Vote on appeal (chair will break tie votes) – Uphold recommendation, overturn recommendation or seek further information.

Decision to Uphold Recommendation

Committee chair will advise grievor that decision is to uphold recommendation in writing and advise that the grievor has the right to appeal to the Executive Board within two weeks of receipt of the decision. An extension to the grievance process should be arranged to cover this time period.

Decision to Overturn Recommendation

Committee chair will advise grievor that decision is to overturn recommendation in writing and advise staff to proceed with the grievance to the next step with reasons for their decision.