

A STEWARD'S GUIDE TO GRIEVANCE HANDLING

Produced by the Public Service Alliance of Canada | Adapted by MUNACA



INTRODUCTION

Being a steward is an important job. You were appointed to this position because you are a leader in your workplace. Your colleagues are counting on you to show them how to make their workplace and union better.

Stewards make sure that the voices of workers are heard in their workplace and communities. Often, you are the first contact for a worker with a problem. You will be an organizer, a listener, a problem-solver, an advocate, and a negotiator. You are the person your colleagues turn to when they have questions or feel they are being treated unfairly.

As a steward, you resolve workplace problems and help workers receive fair treatment as quickly as possible. The grievance process was designed to help you do this. At first, it may seem complicated or difficult to follow, but with time you will understand the steps involved.

This handbook explains your role in the grievance process.

A STEWARD'S DUTIES

Your duties as steward can be divided into two areas -- organizing and representation.

Organizing work is what you do to mobilize members and help build our union. Examples of organizing work include:

- Establish and maintain a strong presence in the workplace using newsletters, bulletin boards, membership meetings, email, social media and one-on-one conversations with members.
- Maintain ongoing contact with members in your workplace.
- Encourage members to keep themselves informed on current issues.
- Encourage members to attend union meetings.

Representation work is what you do when a member comes to you with a problem. You will offer them guidance and help them find a solution.

- Welcome, orient and sign-up new members.
- Recruit other shop stewards.
- Participate in training and union education opportunities.
- Develop a solid knowledge of workplace and union issues.
- Make sure your employer follows the collective agreement and intervene when necessary.
- Maintain an up-to-date contact list of all members including home and work information.
- Listen to members' complaints and grievances and respond appropriately and effectively

This handbook will focus on **representation**.

SOLVING PROBLEMS

Your job as a steward is to talk to members, welcome them and keep them updated on the work of their union. However, if you are doing your job as steward, people know who you are, what you do, and that you will fight for justice in the workplace. They will seek you out when they have a problem.

Typical issues you can be asked to resolve include:

- Workers asked to perform work outside their job descriptions.
- Workers not being paid overtime.
- A worker who feels they are being disrespected by their boss.
- Someone who feels they are being unfairly denied a promotion.
- Interpersonal conflict between workers.

Your job is to help workers solve their problems in a way that builds justice in the workplace. The first thing you have to do is figure out what the problem is. Below are some tips to keep in mind.

Tips for interviews:

- Choose an appropriate place and time.
- Listen well – don't interrupt or judge. They need to be heard.
- Direct the interview – once the worker has been able to get their story out fully, ask specific questions and repeat back to them what you have heard to make sure that you have understood well.
- Ask the worker what remedy they would like to see. Ask them next what impact the remedy they are seeking might have on their workplace and co-workers.
- Sometimes members have difficulty articulating their problem and proposing a solution. Getting them to write down the problem will often help clarify it for both them and you.

PROVIDING EMOTIONAL SUPPORT

In addition to interviewing, you may be required to give emotional support to a member who approaches you with a problem.

A five-step strategy for giving effective support

- 1. Ensure safety.** When people are in crisis or conflict, it is very important to help them feel safe. Make sure to meet them in a place where they can talk freely and in confidence. If a worker feels at risk in any way, you need to do your best to accommodate them and ensure that they feel secure.
- 2. Define the problem.** Listen to the worker's story with empathy, genuineness and without judgment. The grievor will probably want to vent – let them. Take notes. Your notes will be a crucial record for the grievance process.
- 3. Provide support.** The grievor needs to know that you will support them and that you care about their problem. Find out what the grievor wants. Don't make promises that you can't keep. Let the member know that you will help them as best you can and that you will work on finding a solution together.
- 4. Examine alternatives.** There is usually more than one way to approach a problem and it is important that the worker knows what the alternatives are and what each alternative may entail. Consider appropriate and realistic choices.
- 5. Repeat.** Ask the grievor to repeat information and try to get direct quotes where you can (mark them with quotation marks). When you are finished with the interview, go over your notes with the worker and make sure that they are accurate.

COMPLETING THE STEWARD FACT SHEET

Memories can fade quickly, so get signed statements whenever possible. It is useful to begin filling out the fact sheet even before the meeting at step one occurs. The University's response can be incorporated into the fact sheet once it's received. The problem may be resolved during the course of or after the meeting, and this can be recorded as well.

Also get quotes where you can (mark them with quotation mark) and make sure that they are accurate and thorough. When in doubt, write it down – you might not need certain information, but memories get fuzzy over time. It's best to err on the side of too much information. Read your notes back to the member to make sure you have covered everything accurately.

Complete the **Steward Fact Sheet (See Appendix 1)**:

Who was involved? Were witnesses present?

What happened? Or what failed to happen? What did the workers do or not do? What did management do or not do?

What should have happened? Did something happen in the past that could be seen as a precedent?

When did the incident or incidents happen? Remember to record date and time.

Where did the incidents take place? Be specific!

Why is this incident a grievance? Ask the grievor to provide you with a written, signed and dated statement with the full story, noting incidents, names, dates, places, and witnesses. Actual quotes and precise language may be important. (See Appendix 2 for more detailed checklists of questions to ask.)

When dealing with a case of psychological or sexual harassment, each incident will be treated in a sense as a separate grievance: it's essential to obtain information on each incident, going back as far as when they first started. **In cases of harassment, contact the Grievance Committee Chair and the Vice President of Labour Relations (VPLR) as soon as possible for help and guidance. See Appendix 4 for a form that will help record recurring incidents.**

BROADENING YOUR INVESTIGATION

After you speak with the grievor and decide to take action, you should talk with anyone who was involved or witnessed the incident. Memories can fade quickly, so get signed statements whenever possible. Use the same tips for interviews and note-taking that you did with the grievor.

Advocate assertively. When participating in a grievance and disagreement procedure, always remember that as a steward you have equal status to the employer. When you are acting in the capacity of a union representative, always conduct yourself with the knowledge and confidence that you have a right to be treated by the employer as an equal. You should not be treated as an employee in those situations or be expected to conform to the normal rules governing the employer-employee relationship. Your responsibilities at that time are to the union membership.

Respect confidentiality. It goes without saying that the details of the grievor's case must remain confidential. You must do a thorough investigation, but the contents of the investigation are only for the eyes and ears of those who truly need to know.

Get documentation. Many grievances are unsuccessful because there aren't enough documented facts. Remember: if it isn't written down, it doesn't have much strength. Get copies of everything that is pertinent to your case.

Useful documents include:

- Email correspondences.
- Medical certificates.
- Journal notes.
- Statements. If your investigation involves witnesses, get signed statements whenever possible.
- Leave records.
- Performance appraisals.
- A worker's disciplinary record (it may be necessary for the grievor to view their personnel file).

Research. Take some time to research other similar grievances that were successful. This will help you build your case and will help prepare your grievor for possible outcomes. Contact the Grievance Committee Chair, the VPLR, another steward, or a PSAC staff representative for more information.

ASSESSING THE FACTS

After you have finished the investigation, you will need to determine whether the incident qualifies as a grievance. Seek advice from our Union VPLR, the Grievance Committee chair, a Labour Relations Committee representative, another steward, or a PSAC staff member.

A grievance clearly exists if:

- **Management violates the collective agreement.** This is when the employer ignores or transgresses an article in the collective agreement (CA). **Note which article you think has been violated and why.**
- **The employer violates past practice.** When management does something or allows something to happen for a long time and then all of a sudden changes the rules, you can file a grievance based on past practice, but only IF there is a reference to it in the collective agreement.
- **Management violates its own responsibilities.** If management breaks its own rules or does not fulfill its responsibilities and this has an adverse effect on workers, it could be the basis for a grievance. Management must not act in an arbitrary, unreasonable or discriminatory way.
- **Management breaks other laws.** Besides the collective agreement, consider labour laws (or health and safety) that relate to the issues being raised. As always, it is very important to respect grievance timelines.

Remember: Just because something isn't in the CA doesn't mean it can't be grieved. Check with another steward, the Grievance Committee Chair, or the VPLR for guidance.

ASSESSING AND RESOLVING THE GRIEVANCE

Sometimes a member's complaint doesn't fit the bill and cannot be submitted as a grievance. Don't forget that STEP ONE of the grievance procedure is simply to sit down and discuss an issue: there is no requirement that there always be strong legal bases for filing a grievance in order to have this discussion. These are some of the possible outcomes or processes:

1. Informal problem-solving. This can take place before (such as during an informal meeting with management), during or after a meeting at step one. If you can solve a problem for a worker effectively, while setting a positive precedent for the future – do it. Everyone benefits when you solve a problem in a timely fashion. To be effective at informal problem solving, you should follow all the rules of filing a grievance – be extremely well prepared, stick to the facts and know your bottom line.

2. File a “Union grievance” on behalf of the Union. In some cases, workers whose rights have clearly been violated are hesitant to file a grievance. It is dangerous for the Union to do nothing in these situations. If another member faces a similar problem in the future, a labour arbitrator could accuse the Union of having done nothing in the past. You may be able to submit a grievance on behalf of the Union even if the worker does not want to participate.

Even if you decide not to submit a grievance, the Union may decide to notify the employer in writing that it objects to the employer's conduct.

3. Just say no – gently. Not all problems can be solved by filing a grievance. Sometimes a situation may be unfair but it does not violate current or past practice or the collective agreement. Sometimes the cause of the problem may lie with the grievor's behaviour. In these cases, you need to gently and firmly explain to the member why the Union will not be filing a grievance on their behalf. Do not procrastinate. *(If you are concerned about the possibility of a duty of fair representation complaint against the Union, contact our VPLR for advice and guidance.)*

4. Make sure the worker is the first to know and explain the issue fully. Choose a time when you can have privacy and sufficient time to talk. Be prepared for the worker to be upset and emotional – this probably wasn't the response they were expecting.

Acknowledge the worker's feelings; be explicit about the pitfalls of filing a grievance when it's a non-grievable issue and figure out other ways that you can help the worker with the problem.

You can also bring up the issue with the bargaining committee and your local to make sure it is on the radar for the next round of bargaining.

If the worker has a personal problem, you can help connect them with services within the Union, in the community, or through the employee assistance program. Do your best to show compassion and understanding.

MOVING FORWARD ON A GRIEVANCE

If you think the issue is grievable, and an informal resolution has not proven possible, then it's time to move forward in the Grievance process. **For specific details about filing a grievance under MUNACA's Collective Agreement, please go to Appendix 3.**

Important things to consider

Timeliness! Know the timelines outlined in the collective agreement and abide by them. The clock starts ticking from the time of the incident. Remember, if management does not reply to you within the time limits, you don't have to wait. You should move to the next step.

On some occasions you may need to request an extension. The grievor should understand and agree with the reason for the extension. **The extension agreement needs to be in writing and signed by both the Union and the employer.**

Submitting the grievance for Union approval. If informal meetings have not resolved the issue, your next step is to submit the completed Steward Fact Sheet to the Union. You will be given an appointment to present the case to the MUNACA Grievance Committee. Typically, a presentation lasts only 15 minutes and is informal. The Grievance Committee members are aware of the time you have put into this grievance and appreciate your efforts. They may ask questions to clarify anything they feel is relevant. The VPLR is there to assist you if needed.

Keep in mind, all grievances require approval of the Union's Grievance Committee before being filed and are in essence are "owned" by the Union. It is very important that your case preparation be complete and all facts well-documented prior to your presentation to the Grievance Committee. That will give the member the best chance to move ahead with their grievance.

If the Union's Grievance Committee believes a worker's rights were violated, the Union will move the grievance process forward. Not all grievances move forward and even when they do, not all are successful.

Communication between the Union and the member. Once the Grievance Committee has made a decision regarding the member's case, your role changes and you become the primary communication route with the member. You should provide the grievor with an overview of the process, relay their questions to the Union, pass Union questions to them, and provide updates on the progress of the grievance.

APPENDIX 1: STEWARD FACT SHEET

The Union encourages its members, whenever possible, to resolve an issue with the affected parties and as early as possible. If an early resolution cannot be achieved, a complete case file is required to provide effective representation. Please use this fact sheet to collect information on the problem.

THE PEOPLE INVOLVED

1. Union Representative (Whoever is completing the fact sheet)

Name: _____

Home Address: _____

Work Address: _____

Home Phone: _____ WorkPhone: _____

Cell Phone: _____

Fax:* _____ Email:* _____

* Please provide non-McGill Fax and Email contacts to preserve privacy.

2. Grievor / Complainant(s) (If more than one, attach list with name, address, etc for each)

Name: _____

Home Address: _____

Work Address: _____

Home Phone: _____ WorkPhone: _____

Cell Phone: _____

Fax:* _____ Email:* _____

* Please provide non-McGill Fax and Email contacts to preserve privacy.

Employer or Department: _____

Branch or Section: _____

Other: _____

3. Employer Representative or Immediate Supervisor

Name: _____

Title: _____

Work Telephone: _____ Email: _____

What is relation to Grievor:/Complainant? : _____

THE FACTS OF THE COMPLAINT OR GRIEVANCE

Why is this considered to be a complaint or grievance? (Include the article of the Collective Agreement or section of the legislation, if applicable.)

Details please. Please provide details of the complaint or grievance and attach a separate sheet with a chronology of events if helpful.

- a) What occurred?

- b) When did the act or omission occur (times and dates)?

- c) Where did it occur (location, department and section)?

- d) Who is involved (other than witnesses)?

- e) Any related documents (provide title, source, when received)?

THE FACTS OF THE COMPLAINT OR GRIEVANCE

(continued)

What does the worker want? (Corrective action requested)

This should place the complainant (s) or griever(s) in the same position in which they would have been, had the incident not occurred. (Do not forget to request that the griever(s) be made whole).

If there are human rights related grounds associated with this complaint or grievance, please provide details.

WITNESS(ES)

Who are the WITNESS(ES)? (Please provide a complete list of names, favourable or not, on a separate sheet if more room is needed.)

Witness 1:

Name: _____

Home Address: _____

Work Address: _____

Home Phone: _____ WorkPhone: _____

Cell Phone: _____ Email: _____

Please circle one:

Union witness

Employer witness

Statement provided? (circle one) Yes No

Willing to testify? (circle one) Yes No Unknown

WITNESS(ES) (continued)

Witness 2:

Name: _____

Home Address: _____

Work Address: _____

Home Phone: _____ WorkPhone: _____

Cell Phone: _____ Email: _____

Please circle one: Union witness Employer witness

Statement provided? (circle one) Yes No

Willing to testify? (circle one) Yes No Unknown

TIMELINES

Timelines are critical. Please consult the collective agreement and the summary in appendix 3. Be sure to check with the VPLR or Grievance committee chair for confirmation.

1. **Date of incident:** _____
2. **Deadline for filing grievance / complaint:** _____
3. **Date Filed:** _____
4. **Deadline reply:** _____
5. **Date reply received:** _____
6. **Deadline for transmittal to next level:** _____
7. **Date transmitted to next level:** _____

EXTENSION OF TIMELINE DEADLINES

Please provide details if extensions were requested / received at any level of the grievance procedure and attach supporting documentation. **All extensions must agreed to by both sides in writing.**

COMMUNICATION WITH PSAC

Please provide a record of any contact you may have had with any representatives of PSAC, beside our local Union representatives.

FOR UNION ADMINISTRATION USE ONLY -- GRIEVANCE FILE CHECKLIST

Please provide the following in attachment form as appropriate:

| | | | |
|--|-----|----|-----|
| Copy of legible grievance form (circle one) | YES | NO | N/A |
| Copy of legible transmittal form (level 2) | YES | NO | N/A |
| Copy of legible transmittal form (other levels) | YES | NO | N/A |
| Agreement(s) to extend time limits | YES | NO | N/A |
| Appropriate referral notice or form (arbitration/adjudication) | YES | NO | N/A |
| Employer's response (level 1) | YES | NO | N/A |
| Employer's response (level 2) | YES | NO | N/A |
| Employer's response (other levels) | YES | NO | N/A |
| Outline of arguments presented at all levels of the grievance hearing | YES | NO | N/A |
| List of jurisprudence cited at all grievance hearings | YES | NO | N/A |
| Completed Steward Fact sheet | YES | NO | N/A |
| Copy/summary of any settlement offers | YES | NO | N/A |
| Contact with grievor (dates and brief summary) | YES | NO | N/A |
| Copy of all pertinent documents in chronological order (attach a list) | YES | NO | N/A |

EXPLANATION FOR BOXES CHECKED "NO" OR COMMENTS:

APPENDIX 2: CHECKLIST FOR INTERVIEWING A MEMBER

Below is a list of sample questions that may help you during your initial interview with a potential grievor.

First, determine whether the problem at hand is best dealt with through the grievance process or whether another strategy is more appropriate for resolving the issue.

The initial assessment must also examine several questions such as:

- Can the complaint be addressed informally?
- Is a grievance necessary? Why?
- Does the issue pertain to a violation of the collective agreement or does it fall under other legislation?

PSAC encourages members to resolve issues at the source with the affected parties and as early as possible. Answer who, what, when, and why as fully as possible when considering the grievance. Some general questions include:

- Who is/are the potential grievor(s)? Include name, contact info and PSAC ID number(s).
- Who are the supervisors/managers?
- Who has been talked to about the issue so far?
- Who has the power to grant the remedies requested?
- Who are the witnesses?
- Who can corroborate the grievor's version?
- Who will testify or provide signed statements?
- Who else has a similar problem or has in the past?
- Who will be affected by the outcome?
- Who has the information you need?
- Who do you need to consult?
- Who might give you advice?
- Who will provide representation at the next levels?

APPENDIX 2: CHECKLIST FOR INTERVIEWING A MEMBER (continued)

Other questions include:

- What is being grieved? Is it part of the collective agreement? Can it be referred to adjudication/arbitration?
- What kind of grievance is this (individual, group, policy)?
- What happened?
- What are the interests of management in solving this problem?
- What are the interests of management in not solving this problem?
- What are the employee's interests in solving the problem?

Additionally, consider the following:

- When did the problem occur? For how long and how often? If it is not a continuing grievance, instruct the grievor to be prepared to file a new grievance for each breach of the collective agreement.
- When did the grievor first start trying to address the problem?
- When does the grievance have to be filed?
- When will the next steps occur and what needs to be done to meet timelines?
- Where did the incident(s) in question take place?
- Why is this a problem?
- Why did or didn't the member take action?
- Why did this happen to this particular member or group of members? Are there other factors at play?
- Why do co-workers support or not support the grievor?

APPENDIX 3: THE GRIEVANCE AND DISAGREEMENT PROCESS

*The following is a summary of the grievance and disagreement procedure, as shown in article 10 of our Collective Agreement. **All time limits are mandatory unless otherwise agreed to in writing.***

NOTE: Any grievance regarding the following subjects SHOULD go, in writing, directly to Employee Relations (Human Resources) in STEP 2:

- Determination and payment of salaries or benefits from group insurance and pension plans • Educational assistance • Parental leaves • Position match • Short-term disability • Unpaid leaves of absence

Any grievance regarding the following subjects MAY go directly to Step 2.

- Employment security • Exercise of Union rights • Selection of personnel and pertinence of other qualifying skills and abilities • Suspension or dismissal • Policy grievance related to the interpretation of the collective agreement.

STEP 1. MEETINGS TO RESOLVE THE PROBLEM

A) Informal Discussion with Immediate Supervisor: Employees should discuss any workplace problem with their supervisor and resolve it if possible. A Union representative may be at this meeting if the employee gives the supervisor advance notice of both the problem and the Union representative's presence.

B) Written request for a formal meeting: If the problem is not resolved in that informal discussion, or if a formal meeting is preferred, a formal meeting must be requested in writing (including email) by either the employee, the Union representative, or the immediate supervisor. If wished, the employee may be accompanied to the formal meeting by one or two Union representatives, so that both sides have an equal number of representatives. If this meeting does not resolve the problem, or if an employee cannot discuss the matter with their immediate supervisor, the Union may decide to proceed at step 2 of the process.

C) Supervisor's Response: Within a maximum of 15 days after the informal discussion OR within 15 days after the written request for a formal meeting has been submitted, the supervisor must follow up with the employee, in writing, addressing the problem. The supervisor, employee, and union representative may extend the 15-day deadline if everyone agrees to it in writing.

D) Union's response: Within 30 working days from the informal step 1 meeting, or formal step 1 meeting, if it occurred, if the problem or disagreement is not resolved, or if the supervisor does not follow up with the employee, in writing, within 15 working days, the Steward fills out the grievance fact sheet and makes a presentation of the case to the Union's Grievance Committee.

The Union has the right to submit the grievance or disagreement in writing to Employee Relations.

STEP 1. MEETINGS TO RESOLVE THE PROBLEM *(please see the complete step 1 summary)*

| Timeline | Action | Next Steps |
|--|---|---|
| Prior to start of Grievance Procedure | Employee contacts Steward with problem. Steward meets with employee. | Employee and Steward decide if there are grounds to proceed, prepare for discussion with supervisor |
| Day 1 Meeting with Supervisor | Meeting between supervisor, employee, and Steward if employee wishes | If the problem is not resolved, request a formal meeting |
| Request for Formal Meeting, in writing | Formal meeting, may be attended by the supervisor, employee, and one or two Union representatives | If the problem is not resolved, OR the employee and supervisor aren't able to have discussion, the Union may proceed to STEP 2 |
| Within 15 working days AFTER either the initial discussion OR submission of written formal request Timelines may be extended if all parties agree in writing. | Supervisor provides written follow-up to employee addressing the problem | If the problem is not resolved, OR the supervisor does not respond within 15 working days, the Union may proceed to STEP 2. |
| ASAP after meeting(s) with supervisor fail to resolve problem | Steward submits completed Grievance Fact Sheet to Union Grievance Committee | Steward is given an appointment to present their case to the Union Grievance Committee |
| BEFORE Working Day 30 <u>after</u> meeting with Supervisor | Steward presents case to Union Grievance Committee | If Grievance Committee decides the grievance is groundless, the complaint ends here. If the Grievance Committee decides the grievance is justified, the Union moves to STEP 2 N.B. Stewards and grievors should receive copy of the formal grievance letter after the grievance has been approved by the Grievance Committee within 5 working days. If |

| | | |
|---|---|---|
| | | not, stewards should contact VPLR and Grievance Committee Chair. |
| STEP 2 START: By Working Day 30 After Meeting with Supervisor | Union may proceed to STEP 2 and file a grievance with Employee Relations on the employee's behalf | |

A QUICK SUMMARY OF STEPS 2-4

After the Steward has presented to the Grievance Committee, the Steward's role changes and they become the primary communication route with the member. If the Grievance Committee decides to move ahead, the Union will manage the grievance from this point forward.

Steps 2 through 4 that follow are described in this handbook only as an aid to help the Steward understand the process and explain it to the member.

STEP 2. FILING THE GRIEVANCE WITH EMPLOYEE RELATIONS (HUMAN RESOURCES)

Union moves to Step 2:

- *If the problem or disagreement is not resolved at Step 1, OR*
- *If the supervisor does not follow up with the employee, addressing the problem in writing, within 15 working days after either the initial discussion or submission of a formal request for a meeting*
 - A. **Submission to the Union's Grievance Committee.** If there is no resolution of the problem after the step 1 meeting(s), the steward may present the completed Steward Fact Sheet to the Union's Grievance Committee. If the Grievance Committee decides the grievance has merit, it may submit the grievance to Employee Relations within 30 working days of the last step 1 meeting. Stewards and grievors should receive copy of the formal grievance letter after the grievance has been approved by the Grievance Committee within 5 working days. If not, stewards should contact VPLR and Chair of Grievance Committee for follow up.
 - B. **Employee Relations Response.** Employee Relations should provide the Union with a written decision within 15 working days after receipt of the grievance.
 - C. **In the event that the supervisor is unable or does not hold the meeting** within 15 working days the Union shall have the right to submit the grievance or disagreement in writing to Employee Relations within 45 working days from when the initial discussion took place (in the event that no meeting is requested), or from when the request for a meeting was submitted. Employee Relations shall render a written decision within fifteen (15) working days of receipt of the grievance. This simply means that the university's refusal to hold a meeting does not prevent the union from filing a grievance anyway. In the

event a meeting is asked for but not held the time limits for filing a grievance shall be the same AS THOUGH a meeting had actually taken place.

STEP 3. LABOUR RELATIONS COMMITTEE

Union moves to step 3:

- *If the written decision by Employee Relations does not resolve the grievance.*
- *OR if their response is not received by 15 working days after submission of grievance.*

A) If the grievance is not resolved at step 2, the grievance shall be placed on the agenda of the Labour Relations Committee on at least two separate occasions by the Union or the University.

B) If no solution is found after the second Labour Relations Committee meeting where the grievance has been placed on the agenda, the Union or the University may deliver to the other party a written request for arbitration, which will include a copy of the grievance.

C) If both parties agree, the discussions to find a solution may continue and arbitration can be postponed, or a grievance could proceed directly to arbitration after step 2.

D) A rejected grievance shall not be considered as an acceptance by the Union of the University's position and cannot be used as a precedent.

E) Any agreement between the parties made during the grievance procedure, which resolves the grievance, must be signed by the parties.

STEP 4. ARBITRATION

Choosing the Arbitrator. The parties agree to appear before a single arbitrator mutually agreed upon by the University and the Union. If the parties cannot agree on the choice of an arbitrator, one of the parties may request that the arbitrator be designated by the Minister of Labour in accordance with the Quebec Labour Code.

Arbitrator's Jurisdiction. In rendering a decision, the arbitrator must consider the letter and the spirit of the collective agreement. In the case of disagreements on working conditions not covered by the collective agreement, the arbitrator must consider the principles of justice and fairness as well as the general labour relations' policies which emerge from this collective agreement.

In rendering a decision on a grievance, the arbitrator may not remove or modify anything in the collective agreement. In rendering a decision on a grievance concerning disciplinary measures,

the arbitrator may confirm, modify or annul the disciplinary measure. The arbitrator may render any other decision which is fair and just under the circumstances, as well as determine, if applicable, the amount of compensation or damages to which an employee or the Union may be entitled, including the payment of interest in accordance with the provisions of the Labour Code.

In the case of an employee resignation, the arbitrator may evaluate the circumstances surrounding the resignation of any employee. No confession signed by an employee may be used against the employee during arbitration unless: (a) the confession was signed in the presence of a representative of the Union; or (b) the confession was signed without a Union representative being present, but was not retracted in writing by the employee within seven (7) days of the signature of the confession.

In all cases of dismissal, whether for administrative or disciplinary reasons, the burden of proof rests with the University.

APPENDIX 4: THE GRIEVANCE JOURNAL

When dealing with a case of psychological or sexual harassment, each incident will be treated in a sense as a separate grievance: it's essential to obtain information on each incident, going back as far as when they first started. In cases of harassment, contact the Grievance Committee Chair and the Vice President of Labour Relations (VPLR) as soon as possible for help and guidance. Use the form below to record recurring incidents.

Incident Record (Answer the questions below on a separate sheet if more space is needed.)

Incident Date: _____

Incident Time: _____

Description of the incident (please describe the incident as dispassionately as possible):

How did this make you feel?

Were there any witnesses to the incident? List them all, favourable or not and include contact information.

Is there any documentation? Provide any emails or other documentation that records the incident.

THE GRIEVANCE JOURNAL (continued)

Incident Record (Answer the questions below on a separate sheet if more space is needed.)

Incident Date: _____

Incident Time: _____

Description of the incident (please describe the incident as dispassionately as possible):

How did this make you feel?

Were there any witnesses to the incident? List them all, favourable or not and include contact information.

Is there any documentation? Provide any emails or other documentation that records the incident.