

# OPS GRIEVANCE PROCEDURE

In February, 2000 the OPS grievance procedure was amended and revised responsibilities for the Local, the Regional Office and Head Office were implemented.

## **A) REGIONAL OFFICE RESPONSIBILITY**

Staff Representatives are responsible for giving advice, guidance and assistance on grievances (i.e. wording, strategies, etc.). This includes generating policy grievances. If local stewards have questions about how to word a grievance, or whether to file one, that other activists in their local cannot answer, they should call their Staff Rep. Regional secretaries will still be available for advice on grievance timelines. In order to help regional office staff to continue to fulfil these important responsibilities, the canary copy of the grievance form will continue to go to the regional office for their information.

Regional Offices will not have ongoing responsibility for actually processing grievances. Regional Offices are not responsible for ensuring timelines are met. Grievances or related documentation received by the Regional Office will be forwarded to Head Office and the courier costs incurred by the Regional Office will be charged back to the locals.

## **B) LOCALS**

### **i) Filing Grievances "Through the Union"**

Locals are responsible for ensuring that all grievances are filed "through the Union". The signature of the Local President or the steward should be on every grievance when filed. This will be enforced. All grievances that have not gone through the local, as demonstrated by a local signature, will be turned back and not referred to arbitration.

### **ii) Representation at Step 2**

Locals will be responsible for representing grievors at Step 2 meeting and are also responsible for arranging those meetings. The list of senior Ministry Human Resources representatives is attached as Appendix "A". Submitting a written grievance is an automatic request for a Step 2 meeting. Locals should follow up and make sure that the Step 2 meetings occur.

### **iii) Referring Grievances to Arbitration**

The Local will need to use the **referral to arbitration form** attached as Appendix "B". This form requires a local signature to authorize referral to arbitration.

Using this form, locals will send grievances referred to arbitration straight to head office and they need to do so in a timely way. The grievance should have been through Step 2 and still be in time for referral to the GSB. To make sure of timely referrals, grievances should be forwarded to head office a minimum of 3 days prior to the deadline date.

In order to make sure that the referrals happen on time, each local should set up a "reminder" system that tracks time limits for referral to arbitration.

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## **iv) Completeness of Files**

When a grievance file is referred to arbitration, the Grievance Department will check it for completion. Where a file is incomplete, a checklist will be sent to the local for completion. The checklists are attached as Appendix

## **v) The Local Duty of Fair Representation**

The signature requirements set out above will ensure that locals can co-ordinate and monitor grievance activity in the locals. They will also ensure that the local fulfils its responsibility for timely referrals to arbitration.

The Union, including its locals, has a duty of fair representation to its members under the Ontario Labour Relations Act, section 74. Part of that duty of fair representation means providing representation at the local level and doing so in a reasonable, open and non-biased manner. To prove that you have dealt with grievances in this way, keep track of the work you do on behalf of other members. Write down what you do and when you did it and put it in the file.

It is important that locals meet their duty to refer grievances to arbitration in a timely way. If a grievance is referred too early (i.e. before Step 2), it will be referred back to the local for completion of the Step 2 process. If a grievance is being referred to arbitration late, refer it anyway and the Grievance Department will see what it can do to help. Please avoid filing grievances to arbitration late. This may be a breach of the duty of fair representation. Should a local receive a complaint alleging breach of the duty of fair representation, refer that complaint immediately to the Grievance Department at head office, care of Cameron Walker, Negotiations Supervisor, with a copy to OPSEU's Grievance Officer for the appropriate Ministry or if unavoidable, the Supervisor's support person at Ext. 711.

## **vi) Summary**

In summary, locals will be responsible for making sure grievances are:

- Started through the union (with a grievance form signed by a Local President or Steward);
- Referred through the union (with the local completing the Appendix "B" referral form and forwarded directly to head office along with the file);
- Referred to head office in a timely way (after the Step 2 meeting but 3 days before expiry of the time limit for referral);
- Referred with complete files (per checklist).

The best way to fulfil these responsibilities may be to create a local grievance committee. If your local needs help in creating a grievance committee, please call your staff representative.

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## **C) HEAD OFFICE**

Head Office will receive all grievances being referred to arbitration directly from the Locals and refer them onto the Grievance Settlement Board in a timely way. Head office will also provide a bi-monthly printout of all new grievances to each local. Locals can use this list to double check their records. Regional offices will also be updated regularly.

## **D) CONCLUSION**

Implementation of the OPS Grievance Procedure provides members with a system that involves more concentrated and focused local attention to their grievances.