

STEWARDS ORIENTATION

Steward as a Grievance Handler



**This orientation should take no more than
15 minutes**

Download the full Stewards Orientation series at
<https://opseu.org/member-education/>



Steward as a Grievance Handler

Your main job as a Steward is to enforce the collective agreement.

This is an important role and one of the tools used is a grievance.



The Grievance Process

- Watch this short video to learn more about the grievance process
- <https://youtu.be/vgYUToBBEnS>



- **OPSEU has several Steward and grievance handling courses which can be found at www.opseu.org**



Types of Grievances

There are 3 types of grievances:

- Individual
- Group
- Policy or Union



Individual Grievance

One person grieves that a management action has violated their rights under the collective agreement.

Examples include discipline, demotion, harassment, improper classification or denial of earned overtime.

Steward's Role: Investigate and help the member write the grievance. If the person refuses to grieve, many contracts let the union grieve on behalf of the local. This defends the contract and protects the rights of other employees (see policy grievance).



Group Grievance

A group grievance complains that management action has hurt a group of individuals in the same way.

For example, an employer refuses to pay a contractual shift premium.

A group grievance shows solidarity and builds power in a work group.



Policy or Union Grievance

The union complains that a management action violates the agreement. It usually deals with contract interpretation, not an individual complaint.

For Example: a straight day shift employee is assigned an off shift with no reference to seniority. The union might grieve, even though the employee had no complaint, to protect other members in the future.

Only certain people can file a policy grievance, depending on where you work.



The 6 W's

When a worker comes to you with a complaint, get the facts. Cover all the bases by asking the “6 Ws”:

Who

What

When

Where

Why and

What must be done to correct this situation?



The 6 W's

WHO is involved in the grievance? For everyone, get basic data: Name, address, telephone number, work location, department, date of appointment, classification, work record, age, family status, name of supervisor, supervisor's position and witnesses.

WHAT prompted the grievance? What is the injustice? What did management do? What does management say?

WHEN did the event occur? Date, time and context.



The 6 W's

WHERE did it happen? Exact location, department, machine, aisle, etc.

WHY is this a grievance? What has been violated? Which contract clause? Past practice? Law?

WHAT must be done to correct the injustice? How can the member be “made whole,” as if the violation had not occurred? Ask for full redress.



Detective Work

- Investigate promptly.
- Interview the member. Unless approved by the employer, make sure this is not done on work time.
- Get specifics. Don't accept vague statements like: "The supervisor is picking on me."
- Ask what solution the member wants.
- Probe the situation. Members often assume you understand their jobs: they forget vital facts, or skip parts of the story that might weaken their case.



Detective Work

- Document the case. Ask the grievor to write the full story, giving names, dates and places.
- Ask for the actual quotes. The exact words may be important.
- Gather your witnesses. After you have the worker's story, collect statements from any witnesses. Interview both witnesses who support the grievor and those who don't. You need to know what you are up against.



Detective Work

- Track down the story. Talk to other workers to see if they have the same problem.
- Do your homework. Check the contract, supplementary agreements, precedents or past practice, policies or department rules etc.
- Keep good records. Record your findings so you don't forget or distort key points.
- Prepare for delay. Months (even years) may elapse before a grievance is heard at arbitration.

Recording the basics at the start ensures you will have what you need at the hearing.



Writing your Grievance

- OPSEU has grievance forms to help organize your grievance. <https://opseu.org/information/tools-and-resources/opseu-forms-and-documents/11248/>
- Proper wording is important. It can win or lose your case; and it can have an impact on another grievance.
- A well-written grievance is brief and to the point. It contains facts, not opinions. It has enough information that a staff representative or grievance officer can grasp the problem.
- Get help from your chief steward, unit steward, local president or staff representative.



Writing your Grievance

- State which clause of the collective agreement you dispute, but include the phrase, “and/or any other clause of the collective agreement that may apply” or “including but not limited to.”
- Don’t forget to ask for the remedy you seek. It is a good idea to add the words “and any other remedy that in the opinion of the arbitrator will make the grievor whole.”



Writing your Grievance

Here's an example:

Statement of Grievance:

The Union grieves that management has violated Article 10.01 (shift scheduling), and any other articles that may apply, by failing to provide proper notice of shift changes.

Settlement Desired:

Full redress, including but not limited to, compensation for those whose schedules were improperly changed, and a cease and desist order to prevent the employer from violating this clause in the future.



Grievance Presentation Tips

- 1. Move quickly.** Supervisors may need to consider an issue or check with superiors. Ask yourself is this delay justified, or is it a stall? Move it to the next stage if the time limit for a response has expired. Be polite throughout.
- 2. Know when to listen and when to talk.** If you listen well, you gain valuable information – and the right to demand that management hears you without interruption when it's your turn.
- 3. Anticipate employer objections.** How will the supervisor respond? Prepare the right answers to any objections.. Don't be side-tracked to other issues. Let supervisors talk themselves out, and then bring them back to the main point.



Grievance Presentation Tips

4. **Know your facts** – be confident. Facts determine the outcome of a grievance; it's rare for presentation alone to carry a case.
5. **Control the discussion.** Keep to your best arguments. Keep the emphasis on your complaints and grievances. Ask for facts if you get vague statements.
6. **Make management prove its position.** It can be effective to ask a supervisor to justify management's action. Don't try to show that they were wrong from the outset. Let them carry the burden of proof.



Grievance Presentation Tips

- 7. Maintain a united position.** Take the grievor along if possible. Be sure you and your grievor agree on the issues and facts. Ask for a brief recess, if needed to sort things out.
- 8. Keep in touch.** Discuss each management reply with the grievor, the chief (or unit) steward and your staff representative. Decide together whether to accept the response or go to the next step. Monitor time limits and ask the grievor if there has been a reply.
- 9. Settle when possible.** It's best if you can settle a grievance at the first step. Your ability to do this depends on keeping a decent relationship with your supervisor. If you settle, don't rub it in. There'll be other grievances.



Grievance Presentation Tips

- 10. Disagree with dignity.** Tell management you will pursue the case to a settlement.
- 11. Scrutinize any deals.** Be careful if your supervisor wants to trade. Remember the rights of all members. Each grievance stands on its own merits.
- 12. Drop grievances with care.** You may have grieved to force a discussion, with no intention of proceeding. Even if the discussion doesn't achieve all you hoped, you may wish to drop the grievance. (Record the problem for your team to raise in bargaining in future.) Consult your staff representative when in doubt. If you are going to withdraw a grievance, do it "without prejudice".
- 13. Agree on what you've agreed.** Don't leave without a clear written record of what you have agreed. Keep your own notes. If you have some agreement, write it down and have both sides sign it.



Grievances are not Enough

Grievances must be filed, yes, but support them with action:

- Make them visible and public, so members know what is taking place.
- Make them collective, involving many members.
- Make them active, with member activity to support them.
- Make them confrontational so members challenge management at the root of the problems and demand resolution.



What to do with a Complaint?

1. Is it a clear violation of the contract?

Grieve. The clearer the violation, the easier it is to win.

2. Is it a violation of the health and safety act?

Talk to your health and safety committee, and complain to the Ministry of Labour, unless your contract has stronger language.

3. Is it a violation of the Human Rights Code?

Grieve. The code is deemed to be incorporated in all collective agreements.

4. Is it a violation of past workplace practice?

Grieve if your contract has some reference to the situation. To be “past practice” something must have been:

- repeated consistently over an extended period of time;
- accepted explicitly or implicitly by both workers and Management (verbal or written agreement or unchallenged practice); or
- a contract clause which neither side has tried to enforce in the past.



Need Help?

Remember that you have your Local President, Local Executive members, Stewards, OPSEU staff, your Executive Board members and the that you can call on for help.



Need Help?

Visit the OPSEU Member Education webpage at <https://opseu.org/member-education/> and download the Stewards PowerTool and other Stewards Orientation sessions.

It includes all the information you need to hit the ground running as a Steward!



Feedback

Please take a moment to share your feedback.

1. Did you find this orientation useful?
2. Do you have any suggestions for improvement?

Thank you for your time. Please share your insight by sending a quick email to education@opseu.org





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