

Shop
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A Steward's Guide to Grievance Handling



Public Service Alliance of Canada
Alliance de la Fonction publique du Canada
www.psac-afpc.com

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Introduction

Being a steward is an important job. You were elected as a steward 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.

This manual is just one of the tools you'll need to be a top-notch steward. You can also participate in union courses (in classroom or on-line) and read through other booklets to build your skills. Check out psac-afpc.com/steward for more information.

Shop
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You keep plugging away – that's the way social change takes place. That's the way every social change in history has taken place: by a lot of people, who nobody ever heard of, doing work.

– Noam Chomsky

Your duties as a steward

Your main job as a steward is to make sure that the voices of workers are heard in their workplaces and communities. You will be an organizer, a listener, a problem-solver, an advocate and a negotiator. You will represent your union in conversations and meetings with your employer.

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

Organizing: This is the work that you will do to mobilize members and help build our union.

Your duties are to:

- 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.
- Encourage members to participate in the union's political campaigns.

Representation: This is the work you will do when a member comes to you with a problem. You will offer them guidance and work with them to find a solution. Your duties are to:

- 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 that 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.
- Gather information from the membership on bargaining issues and submit it to the bargaining team.
- Work closely with the chief shop steward, other shop stewards, executive officers, committees, component staff and PSAC regional office staff.

This handbook will focus primarily on *representation*.

Your rights as a steward

When facing management in your role as a union steward, remember – you are their equal.

Equality

You have protected legal status. This means you can confront issues head-on and speak directly to management about the problems that you see in the workplace. But don't forget that this excludes outrageous or indefensible behaviour such as violence or threats of violence, extreme profanity or slurs.

Management may tend to exaggerate your behaviour in the retelling of a situation, so it's always a good idea to bring another member or a fellow union representative to grievance sessions or other meetings with management.

Remember, you are not protected when you are acting in your individual capacity as a worker. This is an important distinction! Being a steward doesn't give you licence to be insubordinate on work time.

No discrimination

Your employer does not have the right to discriminate against you because of your union involvement. If you see a pattern of unequal or unfair treatment directed at you by management, you need to keep a record of it. If you feel this is happening, talk to your chief steward, component president or a PSAC staff representative.



If I do not speak in a language that can be understood there is little chance for dialogue.

– bell hooks

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 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. This involves being the “Oprah of shop stewarding” and conducting a good interview. Below are some tips to keep in mind.

Tips for interviews with grievors:

- Choose an appropriate place and time.
- Listen well – don’t interrupt or judge. The worker needs 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.

In addition to interviewing, you will be required to give emotional support to a member who approaches you with a problem. Here are some tips:

A five-step strategy for giving effective support

(Adapted from Crisis Intervention Strategies by Burl Gilliland and Richard James)

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:** Your first task is to understand the problem from the worker's point of view. To do this, you need to listen to their story with empathy, genuineness and without judgment. The grievor will probably want to vent – let them.
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 the interview, go over your notes with the grievor 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. Your notes will be a crucial record for the grievance process.

Questions to ask:

Use the Steward Fact Sheet (see Appendix 3)

1. **Who was involved?** Were witnesses present?
2. **What happened?** Or what failed to happen? What did the worker(s) do or not do? What did management do or not do?
3. **What should have happened?** Did something happen in the past that could be seen as a precedent?
4. **When did the incident happen?** Remember to record date and time.
5. **Where did the incident(s) take place?** Be specific!
6. **Why is this incident a grievance?** Ask the grievor to provide you with a written, signed and dated statement with the full story, noting incident(s), names, dates, places and witnesses. Actual quotes and precise language may be important.

See Appendices 1 and 2 for a more detailed checklist of questions to ask.

Broaden your investigation. After you speak with the grievor and decide to take action, you must talk with anyone who was involved

or witnessed the incident – this includes workers and management. 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.

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 paper copies of *everything* that is pertinent to your case.

Useful documents include statements, leave records, performance appraisals, and a worker's disciplinary record (it may be necessary for the grievor to view their personnel file).

If your investigation involves witnesses, get signed statements whenever possible.

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 your local president, chief steward, component or PSAC staff representative for more information.

Next steps. After you have finished the investigation, you will need to determine whether the incident qualifies as a grievance. If it isn't cut and dry (as it seldom is) seek advice from more senior stewards, your local president, your component or a PSAC staff member.



Don't be afraid to go out on a limb. That's where the fruit is.

– Jackson Browne

When to file a grievance – and when not to

A grievance clearly exists if:

1. **Management violates the collective agreement.** This is when the employer ignores or transgresses an article in the collective agreement (CA).
2. **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.
3. **Management violates its own responsibilities.** If management breaks its own rules or does not fulfill its responsibilities and this has an adverse affect on workers, it could be the basis for a grievance.
4. **Management breaks the law.** Your CA will contain provisions pertaining to these laws. Remember that when it comes to criminal matters, you can file a complaint with the police at same time as filing a grievance. But it is very important to respect grievance timelines. The same considerations apply when filing a complaint with a provincial human rights commission.

Remember: Just because something isn't in the CA doesn't mean it can't be grieved. But check with a senior steward, local president, component or PSAC staff member to be sure.

Alternatives to grievances

Sometimes a member's complaint doesn't fit the bill and cannot be submitted as a grievance. Here are some alternatives that you can explore to try and help resolve the situation:

1. **Informal problem-solving.** If you can solve a problem for a worker quickly and effectively, while setting a positive precedent for the future – then do it. Everyone benefits when you solve a problem in a timely fashion. You can do this by meeting informally with management before or instead of filing a grievance.

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. **Consider alternative dispute resolution.** You may decide that mediation may serve the worker better than a formal grievance process. All you need to do is notify the employer in writing that you are planning to put the grievance in abeyance (on hold) until the situation is resolved to the satisfaction of the grievor.

Remember: the grievor can stop mediation and activate the grievance process at any time.

3. **File a policy 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 file a grievance on behalf of the union even if the worker does not want to participate.

Even if you decide not to file a grievance, it is a good idea to notify the employer in writing that the union objects to its conduct. By doing this, you reserve your right to take action in the future.

4. **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 involved 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 fairness representation complaint against the union, contact your chief steward/regional representative/local/component for advice and guidance.)

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 accompany the worker to speak with their supervisor and have an informal discussion. 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 in the community or through an employee assistance program. Do your best to show compassion and understanding.



*Until all of us have made it,
none of us have made it.*

– Rosemary Brown

How to file a grievance

If the issue is grievable, and a speedy, informal resolution is not an option, then it's time to file a grievance. You need to follow the proper steps when you file a grievance – this will give you a shot at success.

Important things to consider:

Timeliness! Know the timelines outlined in your collective agreement and abide by them. The clock starts ticking from the time of the incident. You can always keep your investigation going after you've written up the grievance and you can withdraw the grievance at any time. Don't delay. Remember: if management does not reply to you within the time limits, you don't have to wait. You can go to the next level in the grievance procedure.

On some occasions you may need to request an extension. You must have a strong rationale and both the union and the employer must agree. It is a good idea to make sure the grievor understands and agrees with the reason for the extension. The agreement needs to be in writing and signed by both the union and the employer.

Use a PSAC grievance form and make sure that the information you include is thorough and complete. You can download grievance forms from the PSAC website: psac-afpc.com/steward (see Appendix 3).

File the grievance. After you have filled out the form, submit it to the union officer in charge of receiving grievances. There is a section for the bargaining agent representative to fill out. Many grievances (e.g. classification grievances and violations of the collective agreement) require

the support of the union before being filed so you will need to get the proper signatures before submitting it to management. Again, respect timelines.

Consider additional avenues. Remember that if a law has been violated, you may also want to file a complaint (such as a human rights complaint or a health and safety complaint). Check with your component, other stewards or a PSAC regional representative if you want guidance on this.

If necessary, put the grievance on hold. As mentioned above, the union may decide with the grievor to put the grievance *“into abeyance”* in an effort to explore alternative dispute resolution options. Once those avenues have been followed to their completion, the grievor and the union can decide if they will continue with the grievance or withdraw it.

Withdrawing the grievance. If at any time the member decides to withdraw the grievance, make sure to do so *“without prejudice to any further action that may be taken in this matter.”* This ensures management can’t rely on your withdrawal as evidence of agreement with the employer’s actions. You should state that you disapprove of the employer’s actions or practice and indicate the grievor does not wish to proceed at this time.

Get help from:

- Your local
- Other stewards
- Your component
- PSAC staff in the regional or national office

Closing the loop

Be sure to keep your local, component and PSAC regional representative informed of how the grievance is proceeding. And don’t forget to seek advice when you need it. More heads are always better than one!

Tips for Writing a Grievance

Keep it clear and short but provide all relevant details.

Make sure to answer the following questions:

1. What happened (or failed to happen)?

2. Why is the situation a grievance (the contention)?

3. How should the employer fix the situation (the remedy)?

1. Make sure you use the date of the incident when writing the grievance but leave room for expanding the grievance if it turns out the violation occurred on other dates. For example:
 - *Selena Miranda was unjustly passed over for overtime work on or about April 21, 2011.*
2. Did the incident violate the contract, a past practice or a law? Be specific about your contention but also add “and all other relevant articles in the contract” just to cover your bases. You can use this if you find out later that the action violated other sections of the agreement. For example:
 - *This violated Article 3.01 and all other relevant articles of the Collective Agreement.*
3. What would the worker have now if the incident never occurred? What should be the remedy? The term “be made whole” is another catch-all phrase that includes remedies that you may not be aware of at the time of writing the grievance. For example:
 - *Selena Miranda should be paid for four (4) hours at the overtime pay rate and be made whole.*

Guiding principles:***Don't bluff.******No side deals.***

How to present your case

Once you have filed the grievance you must now start to prepare both yourself and the grievor for the hearing.

Guiding principles:

Don't bluff. It won't help your image or the union's.

No side deals. The collective agreement is a legal document that union and management must respect.

Before the hearing:

Plan, plan, plan. Make sure you are prepared.

Rehearse. Make sure you know what you're going to say and help the grievor prepare as well. It often makes sense for the grievor to describe what happened to them and to make an "impact statement." If the grievor is emotionally able to handle it, there is great power if they can describe the impact that management's arbitrary decision has had on their life.

Strategize. Meet with the grievor and go over the details of your case and your arguments. Decide on your best evidence and the best strategy. Role play with the grievor so they feel comfortable and prepared.

Have documents ready. Make sure to have copies prepared, in order, and ready to give management. If your argument involves a series of events, have it written up and ready to give to management for their reference.



Three rules of evidence

Facts are not opinions.

Hearsay does not equal facts.

Facts must be relevant.

Think like management. Try to anticipate management's arguments and rehearse what you will say in response. If you need someone to role play with you, ask your chief steward or a more experienced steward.

What's your bottom line? Decide beforehand on your bottom line. Know what you want and also know what you will settle for. If you know your winning position, and you get it, great! If you settle on a compromise, make sure it won't set a bad precedent. It is wise to include the *"without precedent or prejudice"* language in any settlement. You may also want to have a fallback position, especially if the grievor hasn't been completely without fault in the conflict at hand.

Know management's own policies – so you can use them to your advantage. Management may be violating its own policies. Don't be afraid to bring this to their attention!

Decide on a time and place to meet. Make sure the hearing is held in an appropriate location. If possible, it should be a neutral location – not a manager's office.

Three rules of evidence

Facts are not opinions. Evidence must be based on facts. Facts are what people see or hear. Opinions are what people think about what they see or hear. You need to separate the two and base your arguments on FACTS.

- *Fact: The manager said, "I will not give you overtime."*
- *Opinion: "The manager hates me."*

Hearsay does not equal facts. You need facts from the original source. Get it in writing. Evidence can't be based on hearsay.

Facts must be relevant. The evidence you are giving must relate directly to the issue.

What to do during the hearing

Bring the grievor to the hearing. Do one final check-in to make sure that the grievor is well-prepared and that they know that you will be conducting the meeting and doing most (if not all) of the talking.

Use “we statements.” You are representing the union, so say “it’s the union’s contention” rather than “it is *my* contention that ...”

Stay united. Don’t let any disagreements or divisions show between you and the grievor. If unity starts to crack, ask for a caucus and get yourselves together (literally!).

Don’t get blindsided. Make sure you know everything you possibly can about the case. You don’t want any unwelcome surprises when you’re in the middle of the hearing. If you do get surprised, call a recess. You might have to reschedule the meeting and investigate further or change your strategy.

Stay grounded. You need to maintain your self-control if you want to keep control of the interaction with management. If you’re going to get angry, make sure it’s part of your rehearsed plan.

Don’t make it personal. The grievance is about management’s actions and ensuring a just remedy. Don’t make personal attacks on individuals. It won’t help win the grievance.

Stick to the facts. Management may not agree with you, but if you have your evidence well documented, you will be better able to make your case.

Make sure you get heard. Don’t allow management to digress or interrupt. You have the right to be heard.

Be a good listener. It’s up to management to prove their case. Listen to what they have to say. This will help you respond intelligently.

Don’t be afraid to ask questions. Management may try to be evasive. You need to be persistent.

Don’t take management’s word as truth. Management is entitled to their opinion, but that’s all it is. If they say the grievance is not valid, don’t accept this as true. That is for your union and, if it comes to it, an arbitrator to decide.

Deal calmly with surprises. Management may have information about the grievance that you don’t have, no matter how carefully you have collected the facts. Calmly request clarification and listen carefully to the answers. If the grievor brings up new information that you didn’t expect, ask for a recess. Make sure to present a unified front and get things sorted out before you walk back in the room.

Know when to stop talking. If management agrees with you, stop talking. If you aren’t making progress, perhaps it’s time to stop the meeting and reconvene later.

Take great notes. Set up your page beforehand to know the structure you are going to use. Sometimes it’s a good idea to leave a column on the right-hand side of the page blank so you can fill in ideas/strategies/thoughts after the meeting. Ask management to repeat things to make sure you have it down properly. This will give you some measure of control over the pace of the meeting.

Don’t be afraid to take a break. Remember, if you need to ask for a caucus, you can.

*Never confuse a single
defeat with a final defeat.*

– F. Scott Fitzgerald

*Silence is argument carried
on by other means.*

– Che Guevara

After the hearing

If you win

Celebrate and make sure that management makes good on the remedy that was agreed upon. Share your victory with other stewards so that they can learn and benefit from your success.

If you lose

Decide whether or not to keep fighting. Management may deny your grievance, even if you think you have a watertight case. If this happens, you must explain the situation to the grievor and decide with them if the grievance should go to the next step. You should also check in with your chief steward to see if they have any advice. Remember to adhere to timelines (see Appendix 3 for sample Grievance Transmittal Form).

No answer is an answer

Sometimes management just won't bother getting back to you on a grievance. They are probably hoping it will go away. But no answer is an answer – it means they are denying your grievance and that means you can take it to the next step.

Arbitration and adjudication

Grievances that have reached their final step are referred to PSAC for review. The union will then decide whether or not it will present the grievance for arbitration. PSAC makes the decision based on the strength of the case, its content and/or what the impact of a binding decision would be.

As a steward, you should always keep in mind the possibility of your case ending up in arbitration. The complete file of notes and documents that you have gathered while building your case will be indispensable for this final stage.



Interviewing a grievor: a checklist

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.

General questions

Who:

- Who is/are the potential grievor(s)? Include name, contact info and PSAC ID number.
- 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?

What:

- 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?

When:

- 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:

- Where did the incident(s) in question take place?

Why:

- 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?

Specific questions for certain types of grievances

To supplement the list of general questions for a potential grievor (Appendix 2), below is a series of questions that can be asked for specific grievances.

Discipline grievances

- What is the wrongdoing the employee is alleged to have committed?
- What validity does the accusation of wrongdoing hold?
- If the union concedes misconduct on the part of the employee, what is the appropriateness of the discipline being imposed?
- What factors might help the employee's position?
 - *For example: this was an unintentional isolated incident, it was based on an honest mistake or misunderstanding, difficulties at home, other issues such as addictions, physical pain, mental health issues.*
- What factors might compromise the employer's position?
 - *For example: similar conduct has been accepted by employer in the past, policies and rules haven't been consistently communicated/applied/enforced, other employees displaying misconduct have not received same degree of discipline, employer hasn't issued warnings that this conduct won't be tolerated and have not advised employee of the consequences if behaviour persists.*
- What other factors exist that should be taken into account (race, gender, age, etc.)?

- What are the employer's arguments defending the discipline that was imposed?
- What will be the impacts on the employee if the discipline is imposed (economic, social, career-related)?
- What alternatives exist for the employer?
- What is the "rehabilitative potential" of the employee?

Discrimination and human rights grievances

- What right has been denied? Examples include employment, promotion, inclusion, etc.
- What are the prohibited grounds for discrimination? This could include race, national or ethnic origin, colour, religion, age, sex (including pregnancy and childbirth), sexual orientation, marital status, family status, disability (including mental conditions, alcohol or drug dependency), and a criminal conviction that has been pardoned. The Quebec Charter of Rights and Freedoms also prohibits discrimination based on "social condition."
- What needs to be done to file a human rights complaint in a timely fashion? (Look up the rules for human rights commissions in your province or territory or at the federal level.)
- What are the employer's human rights-related policies (e.g. anti-harassment, duty to accommodate)? What processes must the employer undertake to meet its human rights policy obligations?
- What other workplace policies have human rights implications that may not be so obvious? An example may be that the travel policy does not take accommodation issues into account.
- What support mechanisms exist for the grievor if they require/request it (e.g. employee assistance program, counselling, advocacy groups, equity committees, etc.)?

- What evidence exists to support the belief that the right being denied was denied because of a prohibited ground?
 - *This evidence gathering is critical. Evidence (from grievor, witnesses, experts, etc.) should show that:*
 - a) *The person(s) who is experiencing the discrimination falls within the prohibited ground.*
 - b) *The discriminatory practice is linked to the prohibited ground.*
 - c) *There is an adverse impact of the discriminatory practice on well-being, career, economic status, mental health, etc.*
- What are the employer's arguments for the denial of rights?
- When the grievor files the complaint, how will it impact them? Will it elicit a reaction from the employer or fellow employees? You need to challenge and record any incidents and keep them with the grievance/human rights complaint file.

Consult the Canadian Human Rights Commission's website for more information on discrimination, harassment and how to resolve disputes: chrc-ccdp.ca.

"Duty to Accommodate" grievances

- What is the disability?
- What is the extent of the disability?
- What other factors exist that should be taken into account (race, gender, age, etc.)?
- What medical evidence exists? (Be sure to obtain voluntary, written consent of employee to gain access to medical information.)
- What are the physical demands of the job? Has a physical demands analysis been provided by employee's physician or other expert?
- What is the level of undue hardship faced by the employee?



- What medical evidence links restrictions and accommodation to job requirements?
- What is the prognosis?
- What follow-up is necessary to make sure all medical evidence is adequate and accurate?
- What precedents exist in the workplace or elsewhere with regard to accommodation?
- Is there more to this issue than just an issue of a disability not being accommodated? Should a human rights complaint be pursued at the same time?

Resources:

- Canadian Human Rights Commission: chrc-ccdp.ca
- PSAC's Duty to Accommodate guide: psac.com

Job content and classification grievances

- What does the employee's current statement of duties and responsibilities/ job description say? (Note: a member is entitled to be provided with a copy under their collective agreement.)
- What needs to be changed in the job description to reflect the duties and responsibilities that the employee is actually required to perform? (Note: classification grievances cannot correct problems related to job descriptions. An accurate job description must be agreed to through grievance or mediation before a classification grievance can proceed.)
- What other factors exist that should be taken into account (race, gender, age, etc.)?
- What precedents exist in the workplace or elsewhere with regard to job descriptions or classification?

- When did the employee first start performing additional duties? (Note: the date on which a statement of duties grievance is filed can play a major role in the determination of any potential retroactive pay that may result from a reclassification.)
- When did the grievor first start trying to address the problem? (Note: the grievor must provide evidence that the additional functions being performed are being performed on a regular basis and at the request or under the direction of the employer. Without such evidence, it will be very difficult to win the case.)
- What needs to be done to meet timelines?
- Has the member filed an acting pay grievance?
- Put a Statement of Duties grievance procedure in process to ensure that timelines are met, because the date of filing will play a major role in determining any retroactive pay that may result from a reclassification.

Having duties added to a work description is a success in itself. However, such successful additions don't guarantee that the position will be reclassified upwards. Upward reclassifications are very rare and difficult to achieve.

Resources:

- PSAC: psac.com/what/representation

Grievances based on operational requirements

- What is the operational requirement being cited by the employer?
- What validity does the operational requirement have?
- What benefit is being denied to the employee (e.g. leave or benefits)?
- What other factors exist that should be taken into account (race, gender, age, etc.)?
- What are the employer's arguments for using operational requirements to deny benefits? Is it an unusual operational requirement of a temporary nature?
- What could the employer have done instead?
- What are the interests of management in solving (or not solving) this problem?
- What are the employee's interests in solving the problem?
- What are the best next steps to try to satisfactorily solve the problem as quickly as possible?
- What alternatives have been accepted or rejected by the employee and /or the employer?
- When did the problem occur – for how long and how often?
- 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?
- Why is the operational requirement not a valid reason to have denied the grievor a benefit under the collective agreement?
- Why did the employee take action?
- Why didn't the employee take action?
- Why did this happen to this particular employee? Are there other factors at play?

Demands (may include):

- Alternative schedules and hours.
- Reassignment to another available job.
- Use of special/modified equipment or assistive devices.
- Temporary rehabilitative assignments.

Visit psac-afpc.com/stewards to find more resources for union stewards.

Download form at psac-afpc.com/stewards

Grievance Form
Formulaire de griefs

EMPLOYER'S GRIEVANCE NO. / N° DE GRIEF DE L'EMPLOYEUR : _____

SECTION 1	Comp/Direct Charter Local / Éléments/Section locale à charte directe _____ Local / Section locale _____ PSAC ID / N° de membre _____		
A	Surname / Nom de famille _____	Given names / Prénoms _____	Home Tel / Tél. (maison) _____ ()
	Home address / Adresse du domicile _____	Postal Code / Code postal _____	Cell No. / N° cellulaire _____ ()
	Home Email / Courriel personnel _____	Work Email / Courriel professionnel _____	
	Employee Classification / Classification de l'employé(e) _____		Branch/Division/Section / Direction/Division/Section _____
	Position Title / Titre du poste _____	Work location / Lieu de travail _____	Shift / Quart de travail _____
Collective Agreement (if applicable) / Convention collective (s'il y a lieu) _____		Expiry Date of Collective Agreement / Date d'expiration de la convention collective _____	
B	Grievance details / Énoncé du grief :		
	(Please attach extra sheets if this space is insufficient / Utiliser d'autres feuilles au besoin.)		
C	Corrective Action Requested / Mesures correctives demandées		
	Employee signature / Signature de l'employée ou de l'employé _____		Date _____
SECTION 2 TO BE COMPLETED BY BARGAINING AGENT REPRESENTATIVE / À REMPLIR PAR LE REPRÉSENTANT DE L'AGENT NÉGOCIATEUR			
Signature of bargaining agent representative / Signature du représentant de l'agent négociateur _____		Date _____	
Bargaining agent / Agent négociateur _____		Bargaining unit / Unité de négociation _____	
Name of local bargaining agent representative / Nom du représentant local de l'agent négociateur _____		Home Tel / Tél. (maison) _____ ()	Work Tel / Tél. (travail) _____ ()
Address for local representative or bargaining agent / Adresse du représentant ou l'agent négociateur _____		Postal Code / Code postal _____	Cell No. / N° cellulaire _____ ()
Home Email / Courriel personnel _____		Work Email / Courriel professionnel _____	Fax No. / N° de télécopieur _____
SECTION 3 TO BE COMPLETED BY IMMEDIATE SUPERVISOR OR OTHER MANAGEMENT REPRESENTATIVE / À REMPLIR PAR LE SUPERVISEUR IMMÉDIAT OU UN AUTRE REPRÉSENTANT DE LA DIRECTION			
Name of Management Representative / Nom du représentant de la direction _____		Title of Management Representative / Titre du représentant de la direction _____	
Signature of Management Representative / Signature du représentant de la direction _____		Date received at Level 1 / Date de réception au premier palier _____	

Once completed and signed by all parties copies to be distributed as follows: one copy to Grievor, one copy to Bargaining Agent Representative, one copy to the Employer Representative
Une fois que le formulaire est rempli et signé par toutes les parties, en remettre une copie à la partie plaignante, au représentant de l'agent négociateur et au représentant de l'employeur.

Download form at psac-afpc.com/stewards

Grievance Transmittal Form

Formulaire de transmission des griefs

EMPLOYER'S GRIEVANCE NO. / N° DE GRIEF DE L'EMPLOYEUR : _____

SECTION 1

Level 2 - Palier 2	Level 3 - Palier 3	Other Levels - Autres paliers
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**SECTION 2
TO BE COMPLETED BY EMPLOYEE
À REMPLIR PAR L'EMPLOYÉ (E)**

Surname - Nom de famille	Given names - Prénoms	Telephone No. - N° de téléphone
Employer, Department or agency - Employeur, ministère ou organisme	Branch/division/section - Direction/division/section	Work location - Lieu de travail
Employee signature - Signature de l'employé(e)		Date

**SECTION 3
TO BE COMPLETED BY BARGAINING AGENT REPRESENTATIVE
À REMPLIR PAR LE REPRÉSENTANT DE L'AGENT NÉGOCIATEUR**

Approval for presentation of grievance and agreement to represent employee are hereby given
Par la présente, j'autorise la présentation du grief et j'accepte de représenter l'employé(e)

Signature of bargaining agent representative
Signature du représentant de l'agent négociateur

Date

Bargaining agent - Agent négociateur	Bargaining unit/component - Unité de négociation/Élément	
Name of local bargaining agent representative Nom du représentant local de l'agent négociateur	Telephone No. - N° de téléphone	Facsimile No. - N° de télécopieur
Address for contact - Adresse aux fins de communication		E-mail address - Adresse électronique

**SECTION 4
TO BE COMPLETED BY IMMEDIATE SUPERVISOR OR LOCAL OFFICER IN CHARGE
À REMPLIR PAR LE SUPERVISEUR IMMÉDIAT OU LE RESPONSABLE LOCAL**

Name and title of management representative Nom et titre du représentant de la direction	Date transmittal received - Date de réception de la transmission
Signature	

Once completed and signed by all parties copies to be distributed as follows: copy to Employee, copy to Bargaining Agent, copy to the Employer/copie au employeur

Une fois que le formulaire est rempli et signé par toutes les parties, en remettre une copie à la partie plaignante, au représentant de l'agent négociateur et au représentant de l'employeur.

Download form at psac-afpc.com/stewards

Shop Steward Fact Sheet – page 1

Shop Steward Fact Sheet

The PSAC encourages, when possible, resolving an issue at the source – with the affected parties and as early as possible.

Should an early resolution not be achieved, a complete case file is required in order to facilitate effective representation. Please use this fact sheet to collect information on the issue or problem. This will help you ensure that the grievance process and timeframes have been respected.

A. THE PARTIES

1. Union Representative (Who completed the fact sheet)

Name: _____

Home Address: _____

Work Address: _____

Phone Home: _____ Work: _____

Fax:* _____ Email:* _____

Component/DCL: _____ Local: _____

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

Name: _____

Home Address: _____

Work Address: _____

Phone Home: _____ Work: _____

Fax:* _____ Email:* _____

Bargaining Unit: _____ Classification: _____

Employer or Department: _____ Branch or Section: _____

* Please note that the employer can access your communications, whether by email or fax. Also, email traffic might fall under the "use of employer facilities" policies and could be disclosed through an access to information request.

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Shop Steward Fact Sheet – page 2

A. THE PARTIES**3. Employer Representative or Immediate Supervisor**

Name: _____ Title: _____

Telephone: _____ Email: _____

What is relation to grievor/complainant?: _____

B. 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 chronology of events if necessary.

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)?

Shop Steward Fact Sheet – page 3

Want (Corrective action requested)

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

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

C. WITNESS(ES)

(If more than one, attach a list with details for each)

Name: _____

Address: _____

Phone: _____ Email:* _____

 Union Witness Employer Witness | Provided Statement |
Willing to testify: Yes No Unknown**D. TIME LIMITS**

1. Date of incident: _____

2. Deadline for filing grievance/complaint: _____

3. Date filed: _____

4. Deadline for reply: _____

5. Date reply received: _____

6. Deadline for transmittal to next level: _____

7. Date transmitted to next level: _____

Shop Steward Fact Sheet – page 4

E. EXTENSION OF TIME

Please provide details if extensions were requested/received at any level of the grievance procedure and attach supporting documentation.

F. COMMUNICATION WITH COMPONENT/DIRECTLY CHARTERED LOCAL (DCL)

COMPONENT LOCALS must ensure they provide details regarding replies to grievances and transmittals to their Component.

DIRECTLY CHARTERED LOCALS (DCLS) must ensure they provide details regarding replies to grievances and transmittals to their PSAC Regional Office.

G. GRIEVANCE FILE CHECKLIST

ATTACHMENTS	YES	NO	N/A
Copy of legible grievance form (retype wording and attach if not legible)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Copy of legible transmittal form (level 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Copy of legible transmittal form (other levels)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agreement(s) to extend time limits	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Appropriate referral notice or form (arbitration/adjudication).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employer's response (level 1).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employer's response (level 2).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employer's response (other levels).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Outline of arguments presented at all levels of the grievance hearing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
List of jurisprudence cited at all grievance hearings.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Completed Steward Fact sheet.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Copy/summary of any settlement offers.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contact with grievor (dates and brief summary)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Copy of all pertinent documents in chronological order (attach a list).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

EXPLANATIONS FOR BOXES CHECKED "NO" OR COMMENTS: _____

Horizontal lines for notes.

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