



**Union of Environment Workers**

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# *Staffing Complaints & Grievance Procedures*

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The information provided in the *Staffing Complaints and Grievance Procedures Handbook* is intended to be a reference tool to Stewards and Local union representatives to assist them in applying UEW policies and procedures and providing appropriate representation on behalf of the UEW membership.

These procedures are not only provided in booklet format - they may also be found on the UEW Website at <http://www.uew-ste.com>.

**Locals are also able to obtain copies of the PSAC Steward Handbook which is available through the PSAC Regional Offices.**

UEW recognizes the value of education and believes having trained Local Representatives at the Local level will provide members with the best possible union representation.

### **PSST STAFFING COMPLAINTS**

The Union of Environment Workers (UEW) is responsible for providing representation to membership complaints before the Public Service Staffing Tribunal (PSST). In some cases, UEW representation is provided with assistance from complaint representatives from other Components within the Public Service Alliance of Canada (PSAC).

The following guidelines will assist members and union representatives in understanding how to file complaints related to staffing actions. They reflect the spirit and intent of the applicable legislated policies, procedures and/or regulations and have been prepared for reference only. For purposes of interpreting and applying the Law, members should consult the official publications produced by the respective legislative authorities.

The Public Service Modernization Act (PSMA) significantly changed staffing processes and complaint procedures related to staffing actions that are used throughout the public service under both the Public Service Employment Act (PSEA) and the Public Service Staffing Tribunal (PSST). As a result, all complaints filed with the Public Service Staffing Tribunal (PSST) have the potential of establishing new legal precedent that could affect our members in the future. This unique situation provides bargaining agents with an opportunity to influence the development of new case law pertaining to staffing.

UEW and the PSAC have combined resources in an attempt to monitor and co-ordinate information regarding PSST complaints to help develop strategies to address future staffing issues. The continued support and participation of members and Local union representatives in this process is critical to our success.

The PSAC has developed comprehensive training modules -- “Advanced Representation” and “Mediation – PSST” -- that, when combined, are designed to assist union members with PSST Complaint representation.



**PSST STAFFING COMPLAINTS** (*Cont'd*)

***The Formal PSST Complaint Process*** (*Cont'd*)

- c. the name, address, telephone number, fax number and electronic mailing address of the complainant's authorized representative, if any; and
- d. the number or identifier, if any, of the process to which the complaint relates; and
- e. the date of the notice of the lay-off, revocation, appointment or proposed appointment to which the complaint relates; and
- f. the name of the Department, Agency, Branch or Sector involved in the process to which the complaint relates; and
- g. a reference to the provision of the PSEA under which the complaint is made; and
- h. a full and factual description of the events, circumstances or actions giving rise to the complaint if known by the complainant; and
- i. the signature of the complainant or his/her authorized representative; and
- j. the date of the complaint.

A complaint may either be filed on a PSST complaint form or in letter format. A copy of the PSST complaint form can be accessed on the PSST website; i.e., [www.psst-tdfp.gc.ca](http://www.psst-tdfp.gc.ca)

The complaint may be sent by e-mail, fax, courier, and mail or delivered by hand. When a complaint is sent by fax or e-mail, a hard copy must also be mailed to the Executive Director of the PSST; i.e.,

Executive Director  
Public Service Staffing Tribunal  
240 Sparks Street, 6<sup>th</sup> Floor West  
Ottawa, Ontario K1A 0A5

Phone 613-949-6516; 1-866-637-4491  
Fax: (613) 949-6551

Email: [director.directeur@psst-tdfp.gc.ca](mailto:director.directeur@psst-tdfp.gc.ca)

Complaints sent by fax or e-mail will be deemed to be received on the date on which they are transmitted.

## **PSST STAFFING COMPLAINTS** *(Cont'd)*

### ***The Formal PSST Complaint Process (Cont'd)***

Complaints sent by courier or delivered by hand will be deemed to be received on the day of their delivery. Always use a method of conveyance where proof of delivery can be established.

Caution is recommended when dealing with PSST complaints when they involve “member vs. member”.

From a legal and moral perspective, the PSAC has taken the position that it will represent the interests of the “Applicant(s)”. It is the opinion of legal counsel at the PSAC that the Employer is representing member(s), other than the Complainant who may be affected by the outcome of the complaint, by default.

### ***Mediation or Hearing***

Mediation is a voluntary and confidential process that promotes open and respectful communication and allows the parties in a dispute to explore their interests and concerns, examine the options and develop their own creative solutions in a timely and cost-effective manner. All complaints to the Tribunal will be referred to mediation unless one of the parties indicates that it does not wish to participate in mediation.

There will be situations where mediation is not appropriate. In some cases, a member of the Tribunal may hear the complaint and provide an opportunity for the complainant, manager and other parties to present evidence and arguments. In others, the Tribunal may choose to render a decision based on the written documentation submitted by the parties. In either case, once the Tribunal has considered the complaint, it will render a decision and inform the parties of its decision.

### ***Withdrawing a PSST Complaint***

Legal Counsel at the PSAC stresses the importance of not giving specific details or reasons when withdrawing a file from the PSST appeal process. It is strongly recommended that the notice to the PSST to withdraw a complaint should indicate the wish to withdraw. Do not include any reason(s) or commentary in the notice.

### ***Duty of Fair Representation***

For PSST Complaints, UEW’s obligations concerning a “Duty of Fair Representation” remains the same; i.e., we cannot act in a manner that is arbitrary, discriminatory or in bad faith.



## **PSST STAFFING COMPLAINTS** (Cont'd)

### ***Judicial Review***

The decisions of the PSST are final. However, a PSST decision may be appealed to the Federal Court of Canada if it meets the test of "patent unreasonableness". This test is very difficult to meet and the PSAC will determine which cases to take forward. Please communicate with the UEW National Office at any time during the process should clarification or other assistance be required.

### ***UEW Notification of a PSST Complaint***

The UEW National Office will not be contacted by the Public Service Staffing Tribunal (PSST) when a complaint is filed at the PSST on behalf of a member.

Members wishing union representation should communicate with the Local or the UEW National Office. The Local should notify the UEW National Office of all complaints at the time of filing with the PSST. A copy of the complaint should accompany the notification wherever possible. Upon receiving notification of a PSST Complaint being filed, the UEW National Office will communicate with the appropriate resources to ensure that a union representative is assigned to the file.

## **GRIEVANCES**

### ***General***

#### **Complaint/Grievance**

When a member has a complaint or disagreement with the employer or questions the employer's interpretation of the collective agreement or any policy, the member should first bring the matter to the attention of a Steward or an Officer of the Local to determine the best course of action. Although every member's complaint is important, it may or may not constitute a valid grievance.

#### **Complaint Stage**

A "complaint" is an informal grievance as opposed to a formal one. In affect, it is an informal stage of the grievance process that is recommended prior to the presentation of a written grievance. The nature of the complaint may also be one for which there is no relevant clause or protection provided in the collective agreement and which must therefore be resolved through channels other than the formal grievance process.

## **GRIEVANCES** (Cont'd)

### **General** (Cont'd)

#### **Complaint Stage** (Cont'd)

Members are encouraged to discuss their complaint with their management/supervisor as soon as possible and in a calm and professional manner. It is strongly recommended that the discussion take place in the presence and with the assistance of a Steward or Local Executive Officer. Often a direct dialogue can prove effective in resolving a concern.

In emotional situations, members need to take the time to regain their composure before entering into a dialogue with management. Misplaced emotions or personal conflicts are often seen as a barrier to objective discussions. In such cases, it is recommended that the member involve a union representative to act on his/her behalf. The union representative represents the member's interests and because he/she is not personally involved, he/she is more able to be objective and facilitate communication with the employer.

### **The Grievance Process**

#### **Grievance Interview (Stewards)**

**In order to determine the best course of action, Stewards should discuss the situation with the member/grievor and identify the facts to determine whether or not a grievance is valid.** The only way to effectively ensure that a grievance statement and its corrective action are phrased properly is to hold a comprehensive interview with the grievor.

While the time necessary to gather the facts may vary, one can anticipate the first meeting will last at least an hour. More time will permit the representative to deal with any unexpected issues that may arise, to answer any questions the grievor has, and to explain the process and instruct the grievor as to any follow-up actions he/she will be required to take. The available time will also enable the interviewer to record detailed facts.

The collective agreement Article **14.07** -- '*Leave With or Without Pay For Alliance Business*'-- addresses the time necessary to gather the facts.

### **Meetings During the Grievance Process**

*14.07 Where an employee representative wishes to discuss a grievance with an employee who has asked or is obliged to be represented by the Alliance in relation to the presentation of his or her grievance, the employer will, where operational requirements permit, give them reasonable leave with pay for this purpose when the discussion takes place in their headquarters area and reasonable leave without pay when it takes place outside their headquarters area.*

## **GRIEVANCES** (Cont'd)

### *The Grievance Process (Cont'd)*

#### Recording the Facts

The interview should provide full answers to "who", "what", "when", "where", "how" and possibly "why". There are always two sides to the "why" question and it may prove useful to ask the grievor's opinion as to what management will argue. We strongly encourage the use of the Steward Factsheet (PSAC/AFPC F46) to both guide and record the facts (Appendix H).

#### Establishment of Corrective Action

It is very important to ascertain what the grievor wants during the interview because not only does it go directly to the corrective action itself, but it may also indicate what recourse will be most effective in resolving the problem. It may ultimately be concluded that the grievance procedure is not the most effective option. We recommend that the Steward ensures that he/she has a clear understanding as to what the member/grievor is seeking.

#### Validating the Facts

Once all the required information has been collected and the grievance form has been completed, the grievor should verify the statement by reading and signing the grievance form.

Before presenting a grievance, the Steward or Local Officer should try to resolve the problem through discussions with the supervisor involved or with the appropriate level of management.

Steward Factsheets are available at PSAC Regional Offices, at the UEW National Office or from the UEW Website ([www.uew-ste.com](http://www.uew-ste.com)).

If the issue is resolved at the complaint stage, a record of the decision and Steward Factsheet should be filed with the Local. The Steward Factsheet should always be filed and must always be part of the package submitted to the UEW National Office immediately upon filing a grievance.

If a satisfactory agreement is not reached, a grievance should be filed with the immediate supervisor.

It is solely the Steward's responsibility to ensure that the time limits as specified in the grievance procedure are adhered to and to keep the National Office informed throughout the grievance procedure. Time limits are outlined in the Collective Agreement and in this Handbook.

**NOTE:** It is important to ensure "all" information is complete before the file is referred to the PSAC.

## **GRIEVANCES** (Cont'd)

### ***The Grievance Process*** (Cont'd)

#### **Types of Grievances**

There are three (3) types of grievances in the Public Service; i.e., Staff Relations, National Joint Council, and Classification.

-- **Staff Relations' Grievances** – There are 3 types of staff relations' grievances which are categorized as follows; i.e.,

**Individual** -- governed by s 208 of the Public Service Labour Relations Act;

**Group** -- (must be related to employees from one classification group of the federal public administration) -- governed by s 215 (3) of the PSLRA; and

**Policy** -- (interpretation of the application of the Collective Agreement or arbitral award) -- governed by s 220 of the PSLRA.

With the exception of a Staff Relations' Policy Grievance, the Local is responsible for ensuring that representation at the first level hearing is provided by a trained Local Steward. The Chief Steward or Local Executive Officer will provide advice and assistance to the Steward when required. Upon receipt of the first level response, a copy should be forwarded to the National Office.

A Policy Grievance is a one-level grievance and the UEW national office presents this grievance before the Treasury Board Secretariat.

The standard *Collective Agreement Grievance Procedure* applies - See page 11.

-- **National Joint Council (NJC) Grievances** - See page 12.

-- **Classification Grievances** - See page 13.

**NOTE:** For members working for employers outside the Public Service, the grievance procedure may differ and should be outlined in their respective collective agreement.

#### **Details of the Grievance**

The writing of the grievance is very important and the goal is to be as clear and concise as possible. The grievance statement should be phrased in **its simplest and most straightforward wording**. Complicated wording will lead to confusion and the mixing of fact and argument. When in doubt, communicate with the UEW National Office.

**GRIEVANCES** (Cont'd)

*The Grievance Process (Cont'd)*

Details of the Grievance (Cont'd)

Reference to a collective agreement should be general so as not to restrict the adjudicator/arbitrator in the application or interpretation of a single clause or section of the agreement. This phrasing allows the union representative to argue other clauses when they are found to be more pertinent to the case.

It is recommended that the following be included in the grievance statement:

**I also rely on any and all other relevant clauses of my collective agreement, related legislation and/or policies.**

An identification of the type of grievance at issue may be included. For example:

Staff Relations' Grievance

**I grieve management's refusal to grant me court leave as per Article 52 of the Technical Services Agreement.**

**In addition to Article 52 of the Technical Services Agreement, I also rely on any and all other relevant clauses of my collective agreement.**

National Joint Council Grievance

**I grieve management's failure to provide an isolation posts allowance in accordance with the Isolated Posts and Governmental Housing Directive.**

**In addition to the Isolated Posts and Government Housing Directive, I also rely on any and all other relevant clauses of my collective agreement.**

The fundamental reason to make general comments in identifying both the factual and legal grounds for the grievance is that the more specific the phrasing, the less leeway is available to the decision-maker to look to other provisions and the more difficult to formulate arguments on behalf of the grievor.

Finally, mixing facts and arguments when phrasing a grievance is a general and wide-spread problem that can be avoided by keeping the statement simple and to-the-point.

**GRIEVANCES** (Cont'd)

***The Grievance Process*** (Cont'd)

**Details of the Grievance** (Cont'd)

There is no reason to explain the background of the grievance or to enter too deeply into the consequences of management's actions. The more information that is written, the more likely arguments will ensure. This information is important and should be exercised during the grievance hearing only.

In general, all grievance statements should identify who, what, and if necessary, where and/or how. The statement should not deal with "why" as this is part of the argument.

Stewards or Local Officers requiring assistance with the wording of grievances should always communicate with the Service Officer at the UEW National Office.

**Corrective Action Requested**

Corrective Action statements should follow the same guidelines as grievance statements. They should state clearly and concisely what the grievor wants and they should be general enough that other potential remedies are not excluded.

With respect to corrective action, a grievor's redress should include everything that would place him/her in the same position as if the aggrieved situation had not occurred.

The problem often faced is that too little is requested. It is important that full pay and benefits, as well as destruction of unfavourable records and all references to them, be included in the redress, if applicable. An adjudicator can always delete items but he/she cannot grant more than what is requested.

An example would be:

**I request:**

- (a) court leave as per my collective agreement;**
- (b) any and all other remedies deemed just in the circumstances.**

Once the grievance form is completed, signed and submitted to the supervisor, it is the supervisor's responsibility to provide a signed receipt to the union representative or grievor stating the date on which the grievance was received.

The Steward or Local Officer should immediately provide a copy of the grievance to the UEW National Office with a copy of the completed Steward Factsheet.

## **STAFF RELATIONS' GRIEVANCES**

### ***Grievance Hearing***

Once the Grievance Form is submitted and signed by the manager and returned to the Steward, the grievance hearing can be scheduled with the manager authorized to hear grievances. The time lines as set out by the Collective Agreement must be respected. When mutually agreed by both parties in writing, time lines may be extended for valid reasons.

The grievance hearing outlines the facts of the grievance identifying the issue, its background any information supporting the grievance as well as the corrective action being sought. The Local is responsible for ensuring that representation at the first and second level hearings with the employer is provided by a trained Steward.

### ***First Level***

When the first level decision is received from management, it should be immediately provided to the UEW National Office.

The Department is obligated to provide a written response at all levels of the grievance procedure within the prescribed time limits. Should the grievance be denied, it can then be transmitted to the next appropriate level.

### ***Second Level***

If the reply at the first level is not satisfactory to the grievor or if management has not responded within the required time limit, the grievance should be transmitted to the second level by using a transmittal form submitted through the supervisor within the time limit set out in the grievance procedure. The required transmittal forms are available from Human Resources.

A copy of the transmittal form or letter of transmission to the second level should be immediately provided to the UEW National Office.

When the second level decision is received, it should be provided immediately to the UEW National Office.

All documentation produced or received during the proceedings should be copied and forwarded to the UEW National Office to ensure that Service Officers are familiar with the up-to-date status of the file; i.e.,

- (a) a copy of all documents relating to the grievance;
- (b) a copy of the arguments and supporting documents used at the first and second level hearings; and

## **STAFF RELATIONS' GRIEVANCES** (Cont'd)

### ***Grievance Hearing*** (Cont'd)

#### **Second Level** (Cont'd)

- (c) a copy of any other information and material that may be required by the UEW National Office.

#### **Third and Final Level**

When the reply at the second level is not satisfactory to the grievor or if management has not responded within the specified time limit, the grievance should be transmitted to the third level through the supervisor within the time limit set out in the grievance procedure.

A copy of the transmittal form or letter of transmission to the third and final level should be immediately provided to the UEW National Office with any new information that was not provided earlier. Grievance transmittal forms are available from Human Resources.

A UEW Service Officer provides representation at the final (third) level hearing. Management will issue a written, final level decision to the grievor with a copy to UEW.

A copy of the final level decision will be provided by the UEW Service Officer when received from the Department.

The grievor, in full consultation and advice from his/her Local Steward or UEW Representative, may choose to place a grievance in abeyance due to other related business pending, choice of mediation, etc. Basically, this places the grievance on hold until the other related business is completed or dealt with. The grievor, in full consultation with his/her representative, will determine when the outstanding grievance is to be taken out of abeyance or withdrawn.

## **NATIONAL JOINT COUNCIL GRIEVANCES**

### ***First Level***

The Local is responsible for ensuring that representation at this level is provided by a trained Steward of the Local. The Chief Steward or Local Executive will provide advice and assistance to the Steward when required. If unresolved at the first level, all documentation, including the Stewart Factsheet and the response and transmittal form as received from Human Resources, should be provided immediately to the UEW National Office.



## **NATIONAL JOINT COUNCIL GRIEVANCES** (Cont'd)

### ***Second Level***

A UEW Service Officer will provide representation before the Departmental Liaison Officer at the second level hearing. Second level NJC grievances are addressed at departmental headquarters and by the UEW National Office.

### ***Third and Final Level***

A presentation at this level is made by the UEW Service Officer to the appropriate NJC Committee which then advises the Executive Committee of the National Joint Council. The Executive Committee renders its final decision based on the NJC Committee's recommendation.

At this stage, it is the intent of the Policy, Directives, or Regulations being grieved that is relevant. The NJC Committee meets on an as-needed basis and the Executive Committee only meets once per month; therefore, the final level time limit for presentation and the provision of responses are extended as required.

The decision of the Executive Committee is provided to the relevant Departmental Liaison Officer who is required to send a formal response incorporating the Executive Committee's response to the grievor.

Where the Policy, Directives, or Regulations being grieved are deemed to be part of the employee's collective agreement and the grievor is not satisfied with the response, the grievance may be referred to adjudication. The procedure is the same as described for collective agreement grievances. Section 209 of the Public Service Labour Relations Act (PSLRA) outlines what subjects/issues may or may not be adjudicated.

**NOTE:** An Officer of the PSAC or a UEW Service Officer will provide representation before a NJC Committee.

## **CLASSIFICATION**

**NOTE:** Classification of positions is the purview of the employer for all positions subject to the Public Service Labour Relations Act. The Employer (Treasury Board) guards this authority very stringently.

The Classification Grievance Procedure has been developed by the employer and is, therefore, not resolvable by third parties such as an adjudicator. Although the member and union may not be pleased with the Department's decision, the decision is final and binding.

**CLASSIFICATION** (*Cont'd*)

***Job Description and Classification Grievances***

Classification decisions are based primarily on the content of job descriptions. Consequently, it is important that the job descriptions accurately reflect the full duties and responsibilities of a position as assigned by management.

Where a member feels his/her job description does not properly describe his/her duties and responsibilities, he/she should file a Staff Relations' grievance under the Statement of Duty Article in his/her respective collective agreement. This Article ensures members are entitled to job descriptions that are both complete and current.

The recommended wording for a Statement of Duty / Job Content grievance is as follows:

**I grieve the employer's failure to provide me with a complete and current statement of duties and responsibilities. This violates Article \_\_\_\_ (Statement of duties) of my collective agreement.**

Corrective action requested:

**That I be provided with a complete and current statement of the duties of my position, effective from X date.**

Classification grievances cannot correct problems related to the content of job descriptions. This process must be completed before a classification grievance can proceed. Statement of Duty grievances can be referred to adjudication/arbitration, however, the mediation process is the PSAC preferred process to reach a resolve to these types of grievances.

Classification decisions are based primarily upon the content of job descriptions being assessed against established classification standards. Consequently, it is important that the job description being submitted for classification review accurately reflects the complete and current duties and responsibilities of a position as assigned by management.

***Procedure***

If a member has objections to the point-rating or factor allocation of a job description, he/she must file a Classification Grievance to establish a possible correction.

Upon completion of the classification review process, the employer will notify the employee in writing of the results of the review. If the results are not favourable, the employee must file his/her classification grievance within thirty-five (35) days of the date of receipt of the classification decision.

**CLASSIFICATION** (Cont'd)

***Procedure*** (Cont'd)

Classification grievances are filed on the same forms and in the same manner as Staff Relations' grievances; however, they are treated quite differently after that point.

The Classification Grievance Procedure provides a one-step process whereby the grievances proceed immediately to the final level. A three-member management committee reviews the case, hears representations by the grievor's representative and/or management, and recommends a classification level to the Deputy Minister's nominee.

The PSAC may provide representation at a classification hearing if, on a review of the merits of the case, it is decided that grounds exist to proceed.

The Management Committee's recommendation forms the basis for the Deputy Minister's response. This reply must be communicated in writing to the grievor's representative within sixty days of management's receipt of the grievance.

Where the possibility exists that a classification grievance may result in the downgrading of positions other than that of the grievor, the PSAC may choose not to provide representation at a classification hearing and may recommend the withdrawal of the grievance.

***Information***

Advice and representation to members who have grieved their classification is provided by the PSAC.

It is imperative that the necessary documentation be forwarded to the UEW National Office promptly so that it can be passed on to the PSAC for review within the 35-day time limit.

The documentation required is as follows:

- (a) a grievance form signed and dated by the grievor and the union representative; and
- (b) a complete and current official job description for the position in question signed by management and dated (no drafts); and;
- (c) the current organization chart;
- (d) the point rating by factor; and
- (e) any other documents necessary to the presentation and understanding of the grievance;

**CLASSIFICATION** (Cont'd)

***Information*** (Cont'd)

- (f) one contact grievor with complete contact information per region if a group grievance; and
- (g) one language for representation must be decided upon before the file is referred. Normally, the language of representation should correspond with the majority of documentation in the file (work description, rationale, etc.). If the other official language is preferred, this must be clearly indicated; and
- (h) the telephone numbers at which the member can be reached during the day and/or evening.

***Time Limits***

Employees have thirty-five calendar days from the date they are notified by management of the classification level of their position to submit a Classification Grievance to their supervisor who should transmit it directly to Departmental Headquarters.

If more information is required prior to the incumbent filing a Classification Grievance, the Local should proceed with the filing of the grievance to ensure that the member does not allow the time limits to expire. The grievance may subsequently be withdrawn if the classification is resolved prior to the scheduled date of the hearing.

This approach is necessary to ensure that no member inadvertently allows his/her right to grieve expire while waiting for a reply from the Union.

***Details of the Grievance***

The following wording is recommended:

**I grieve the classification of my position; number \_\_\_\_\_.**

***Corrective Action***

The following wording is recommended:

**I request reclassification of my position to a higher classification effective X date.**

### **CLASSIFICATION** (Cont'd)

Further information on filing Statement of Duties / Job Content Grievances (including 'effective date') and Classification Grievances can be accessed at:

[www.psic.com/what/representation/duties-e.shtml](http://www.psic.com/what/representation/duties-e.shtml)

[www.psagency-agencefp.gc.ca/Classification/Tools/Griev\\_e.asp](http://www.psagency-agencefp.gc.ca/Classification/Tools/Griev_e.asp)

### **EXTENSION OF TIME LIMITS**

From time to time, the parties to a grievance may require the extension of a time limit in the grievance procedure. These extensions should have a logical and rational explanation and must be mutually agreed to by all parties. It is suggested that the grievor approve the extension as well. All such agreements and requests must be given in writing with copies provided to the UEW National Office and to the Local or Steward concerned.

The grievor, in full consultation and advice from his/her Local Steward or UEW Representative, may choose to place a grievance in abeyance due to other related business pending, choice of mediation, etc. Basically, this places the grievance on hold until the other related business is completed or dealt with. The grievor, in full consultation with his/her representative, will determine when the outstanding grievance is to be taken out of abeyance or withdrawn.

### **WITHDRAWING A GRIEVANCE**

A grievor may withdraw a grievance at any time during the grievance procedure. The withdrawal must be in writing and submitted to the immediate supervisor. It simply states:

**I hereby withdraw my grievance.**

Should the possibility exist that further action on the subject-matter of the grievance will be taken, it is recommended that the following statement be used:

**I hereby withdraw my grievance without prejudice to any further action that may be taken in this matter.**

A copy of the withdrawal shall be immediately provided to the UEW National Office.

## **ARBITRATION/ADJUDICATION**

Grievances may be referred to the PSAC for review and possible presentation at a hearing if they deal with the interpretation or application of the Collective Agreement, or a related arbitral award or disciplinary action resulting in suspension or a financial penalty or termination of employment or demotion pursuant to paragraph 11(2)(f) or (g) of the Financial Administration Act (reference Section 209 of the Public Service Labour Relations Act (PSLRA)).

The decision at the third or final level of the grievance procedure is final and binding when the grievance is one that cannot be referred to adjudication/arbitration and no further action may be taken concerning the grievance

When the grievance can be referred to adjudication/arbitration and the decision at the third or final level is not satisfactory to the grievor, the UEW National Office will communicate with the grievor or the Steward concerned about referring the case.

The PSAC, Officers of the Alliance Executive Committee (AEC) or an officer of the PSAC Representation Section will review and assess the merits of the grievance. Should it be decided to proceed, an Officer of the PSAC Representation Section will provide representation on behalf of the grievors at adjudication/arbitration hearings. It is always possible that after that review, the PSAC may refuse to provide such representation and the grievor will be so advised.