



Advanced Grievance Handling



The Steward's Role



The Role of the Steward

A refresher!

As a steward:

- you need to be familiar with all of the relevant Collective Agreements - you are not only representing your group, you may also need to represent other groups within your department
- to file and represent members at the 1st level of the grievance process

Steward Policy – Duties and Responsibilities

... stewards have the responsibility to advise their respective regional office of any grievance and/or other recourse filed on behalf of members ...

The Role of the Steward

Duty of Fair Representation

- Obligation to represent members in a manner that is not arbitrary, discriminatory or in bad faith
- Know your limits! Follow PIPSC's Steward Policy – consult your ERO

The Role of the Steward

What if you disagree with an ERO's recommendation concerning the wording of a grievance or how to proceed?

1. Have a discussion about the issue. You may also do so in writing.
2. If that doesn't resolve the issue, there are other internal mechanisms in place to resolve it.

Stewards act as a Liaison with the Regional Office

“Stewards have the responsibility to advise their respective regional office of any grievance and/or other recourse filed on behalf of members ”

PIPSC Steward Policy

The Steward as Advocate

- assists in preparation of the case in advance of grievance meeting
- represents grievor at grievance meeting
- tries to prevent grievor from harming his/her case

The Steward as Reviewer

- reassesses merits of the case in light of any new facts/evidence disclosed at grievance meeting
- reassesses merits of the case in light of the Employer's reply
- assists grievor with the decision to progress to the next level, to accept a proposed settlement (if one has been made) or to withdraw
- ensures time limits are respected

The Steward as Diplomat

Keeps the matter in focus

- Grievances are just a part of “doing business”
- Not the reason to launch a crusade

Maintains the working relationship

- between management and the grievor
- between management and the union



Interviewing and Investigation



As the Steward, Always Ask ...

- Should a grievance be filed?
- Is there a legitimate dispute?
- Is a grievance the best way to deal with the issue?
- Does another process optimize the chances of a successful outcome?
- Is the dispute of a nature that precludes the submission of a grievance?
- What are the merits of the grievor's case?
- What facts or material have to be gathered?

The Power of Questions

Effective questioning skills are essential tools for stewards. The key to good questioning and investigation is:

- to determine what kind of question will generate what kind of response;
- be a good listener and provide space for members to talk before you start asking questions;
- use questions to challenge discrepancies, clarify misunderstandings or challenge (politely) something you are hearing that doesn't make sense and;
- to use questions that empower members; when someone shares their situation, ask them to consider what they think should happen – this helps to get everyone focused on solving the problem.

Considerations...

What to keep in mind:

- Before asking questions, make sure the person you are interviewing is comfortable and ready to talk.
- Don't bombard the member with questions before you've done some relationship building. Give them space to tell their "their story".
- Your approach and tone should convey that you really want to know what the member has to say.
- Sound sympathetic and curious using a calm voice and non-accusatory language.

Get feedback from others or listen to yourself and notice the reactions you are getting so that you can adjust your tone and/or approach.

Questioning in Grievance Investigations

When dealing with a member who's approaching you with a potential grievance, start by asking, "What happened?" and let the member talk without interruption. Then follow up with questions that are increasingly specific and guiding.

When questioning management:

- be open-minded
- be clear that your interests are to understand what happened – avoid making it personal
- do not argue the case or disagree with the supervisor or manager
- ask questions and avoid sharing your opinion – your goal is to understand their perspective

Process for Gathering Effective Information

Stage 1: Gather information using open questions that help you to get a general picture of the facts

Step 2: Open and broaden using curious questions – your goal is to get the “big picture”

Step 3: Probe – start to deepen around your “hunches”

Step 4: Closed – Now that you have a sense of the issues, facts and information, you will have specific questions around each of these and typically will use more close-ended questions to confirm what you are thinking.

Step 5: Checking Facts – This is the final stage of your information gathering

! Always interview your witnesses separately and without the grievor present. Failure to do so may taint the evidence you are gathering for grievance purposes.

What information are you collecting?

- WHO: who is involved
- WHERE: where did it take place
- WHEN: dates, timing, (re) occurrences
- WHAT: what happened, what is this about
- WANT: needs, wants, outcomes
- * WHY:
- HOW:

** *Why* should be used carefully! When a person is defensive, *why* can cause a person to feel that they have to defend themselves and in an escalated situation, this could shut-down communication which can negatively impact your ability to gather the facts.



Writing a Grievance



Tips for Effective Grievance Writing

- Be concise and clear for both the grievance and corrective measures
- If it is a violation of the collective agreement, refer to it – but be sure, being too specific could cost you in the long run
- Make sure you ask for complete corrective measures “To be made whole”
- Consult with your ERO before filing
- Have all necessary signatures (the member and representative) and date it – submit it !

More Tips ...

- Ask your ERO for samples of completed grievance forms
- It is not one size fits all
- It is the most important part of the grievance process
- If the grievance is not written in accordance with the law or in a manner that gives jurisdiction to an arbitrator the member risks losing the right to redress

Writing a Grievance

Sample grievance language

- I grieve the employer's failure to ... in accordance with the (Group) Collective Agreement.
- I grieve that the employer has failed to ... in violation of the (Group) Collective Agreement.
- I grieve the denial of ... in violation of, including but not limited to, Article XX of the (Group) Collective Agreement, Employer Policies and other employment related legislation.

Remedy

Full redress, including but not limited to:

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and any other relief necessary to remedy the matter and/or that I be made whole.



Presenting the Grievance



Your Role

- Assist in preparation of the case in advance of grievance meeting;
- represent grievor at meeting - not a passive observer;
- argue grievor's case, may rely on grievor to provide factual background;
- support grievor from harming own case by managing the discussion and what information is shared and;
- keep the grievance meeting on issue and the tone respectful.

Before Presenting the Grievance

- explain process beforehand to the grievor
- ensure that you have copies of grievances and collective agreement, policies, directives and other relevant documents
- develop facts and argument be well prepared!
- anticipate employer's position
- know and prepare grievor
- explore resolutions
- seek advice

Presenting your Argument

- keep it simple
- be prepared with clauses from the Collective Agreement
- provide evidence for why they were contravened
- reiterate supporting facts
- produce relevant supporting documents
- present relevant facts which led to grievance
- be organized and concise

Tips During Grievance Presentation

- be professional and respectful
- approach as equals
- be united
- be solution-focused, your goal is to resolve the issue
- be concise i.e. stay focused and on track
- avoid bluffing
- cite provisions, acts, policies, directives, past practices

After the Presentation

- reassess merits of the case in light of any new facts/evidence disclosed at grievance meeting
- reassess merits of the case in light of the Employer's reply
- assist grievor with the decision to progress to the next level, to accept a proposed settlement (if one has been made) or to withdraw
- ensure time limits are respected
- debrief
- keep PIPSC office (responsible ERO) informed

What if you don't think they have a case?

- Before responding to the member, contact your PIPSC staff person to discuss the case
- If it is recommended that the member not proceed, s/he should be informed that the complaint is not justified by facts that could be substantiated or argued favourably before management.
- Ensure that members know they have a right to disagree with this decision through the internal PIPSC appeal process.
- In some circumstances, it may be preferable to file the grievance, then have the parties agree to put in abeyance, while other avenues, such as informal conflict resolution are pursued.