



WLUFA

Wilfrid Laurier University
Faculty Association

GRIEVANCE COMMITTEE

Terms of Reference

2019

Preamble

A grievance is any dispute or difference arising out of the application, interpretation, administration, or alleged violation of the provisions of our Collective Agreements. It can also be a violation of University Policies and/or Provincial labour laws (e.g., Employment Standards Act, Labour Relations Act, Occupational Health and Safety Act, Ontario Human Rights Code). The WLUFA Grievance Committee consists of trained Association representatives who are prepared to consider the complaints of bargaining unit Members and assist them throughout the informal and formal grievance process. In providing this assistance, the Committee members must always keep in mind the Association's "duty of fair representation" (DFR). Section 74 of the Ontario Labour Relations Act states under *Duty of fair representation by trade union, etc.:*

A trade union or council of trade unions, so long as it continues to be entitled to represent employees in a bargaining unit, shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees in the unit, whether or not members of the trade union or of any constituent union of the council of trade unions, as the case may be.¹

The Committee members must exercise their authority objectively and honestly, making a thorough study of the grievance, taking into account the significance of the grievance and of its consequences for the Member on the one hand and for the Association on the other.² WLUFA must always keep in mind its union responsibility of looking to the greater good of the bargaining units and not simply what is best for the individual Member. WLUFA is not, therefore, an advocate for an individual in the same way a lawyer would be.³

It is important for Grievance Committee members to recognize that, once they have been contacted by a Member or have been assigned a file, all proceedings are to be kept in strictest confidence. This applies to communications with complainants, witnesses, WLUFA staff and University representatives.

¹ Ontario Labour Relations Act – section 74

² University of Western Ontario Faculty Association – Manual for Case Officers of the UWOFA Grievance Committee

³ Queens' University Faculty Association – What is a Grievance?

WLUFA Grievance Committee

Terms of Reference

Committee Composition

- Grievance Coordinator – WLUFA staff member, chairs Committee
- Grievance Officers – appointed annually by WLUFA Executive Committee

Every attempt is made to have committee members who broadly represent the membership of WLUFA. When possible, the Committee will have at least two full-time members, two CAS members, two members from Brantford and one Librarian member.

All members of the Committee must have training that covers the Duty of Fair Representation, grievance basics, and case handling and management.

All members of the Committee are voting members. Committee members do not vote when they have a conflict of interest as determined by the Committee.

Role of the Grievance Committee⁴

- protect the provisions of the Collective Agreements
- investigate complaints and concerns within the framework provided by Article 23 of the CAS Collective Agreement and Article 27 of the Full-time Collective Agreement
- review requests for grievance from Members of the Full-time Faculty and Professional Librarians bargaining unit, and the Part-time Contract Academic Staff and Part-time Librarians bargaining unit, and determine whether or not they will proceed
- act as WLUFA representatives in informal disputes (when requested by Members)
- act as Grievance Officers in formal grievances

⁴ with notes from Lakehead University Faculty Association – Grievance Committee Policy and Practices

WLUFA Grievance Committee

Terms of Reference

Responsibilities of the Grievance Coordinator⁵

- coordinate the work of the Grievance Committee, including calling and chairing scheduled meetings
- help train Grievance Officers
- assign Grievance Officers to files
- provide advice and assistance to Grievance Officers
- monitor progress of grievances
- act as a Grievance Officer when necessary
- inform Members of outcome of vote on whether or not to proceed to grievance
- act as primary Association contact with lawyers and liaise with legal counsel regarding ongoing grievance issues
- report on informal disputes and grievances to WLUFA Executive Committee on a regular basis
- report to Members at general meetings of the Association
- provide input regarding grievances to WLUFA negotiating teams

Responsibilities of Grievance Officers^{6 7}

- know the Collective Agreements (memorization is not necessary, but a good working knowledge is)
- meet with potential grievors, upon initial contact or following assignment by Grievance Coordinator
- conduct preliminary investigations of complaints in order to make recommendations to the Committee
- attend Grievance Committee meetings and report on current file(s)
- attend meetings with complainant/grievor
- meet with University representative(s) on behalf of complainant/grievor
- report case progress to Grievance Coordinator on a regular basis
- provide feedback on offers of settlement
- maintain confidential records for each case which will be turned in to the WLUFA office upon resolution or closing of file (note that these may be subpoenaed in the event of an arbitration)

⁵ Ibid.

⁶ Ibid.

⁷ with notes from UWOFA – Manual for Case Officers of the UWOFA Grievance Committee

WLUFA Grievance Committee

Terms of Reference

Practices and Procedures of Grievance Committee⁸

- the Committee shall keep minutes of its meetings, although discussion of cases is not minuted
- at the call of the Grievance Coordinator, the Committee shall meet once per month from September to April, more frequently if there is demand
- quorum shall be five Committee members
- individual files shall be reviewed at Committee meetings
- requests for grievance shall be discussed and voted on
- any Committee member who has a conflict of interest, as determined by the Committee, shall not vote on that file
- in a grievance situation involving several Members whose interests are not the same, each Member will be assigned a different Grievance Officer, to the degree that this is possible, and a “firewall” with respect to the case will be maintained by the assigned Grievance Officers
- all documents pertaining to a complaint or grievance shall be retained by WLUFA in a secure location. Grievance Officers may keep notes or records while working on a case, but these documents are considered confidential and must be kept securely while the case is ongoing and submitted to WLUFA when the case is finished.

⁸ with notes from LUFA – Grievance Committee Policy and Practices