

GRIEVANCE CHAIR

PURPOSE:

Contract administration is the management of violations of the collective agreement, including filing and processing grievances, and is a key priority and legal obligation for the Union. Filing grievances where there are violations of the collective agreement is how we enforce the agreement. The grievance process demonstrates the Union's commitment to members, reflecting the Vision of our organization, "Ontario Nurses' Association: Our Union. Respected. Strong. United. Committed to members who care for people." The grievance process is a collaborative supportive process involving members, Union reps and ONA staff.

ACCOUNTABILITIES:

TIER 1 ACCOUNTABILITIES

1. **A process is in place to educate the members on how to reach their Grievance Committee representatives.**

Develop an intake process:

- Who to call.
 - Unit rep to refer issues to Grievance Chair.
 - Phone #/possible voicemail – refer to Grievance Chair.
 - Identify contact person – ideas (bulletin board, newsletter, and websites).
- Referral to Grievance Chair must be done immediately to respect short timelines under collective agreements.

2. **Membership has a printed copy of the current collective agreement.**

- Member should have a printed copy of collective agreement.

3. **An effective communication process is established in the Bargaining Unit with the District Service Team and the grievor (Grievance Committee, LRO, Litigating LRO, grievor, etc.)**

- Contact LRO for advice/wording on grievance or strategies for resolution other than a grievance.
- Provide LRO with file, fact sheets and/or all relevant materials. Connect with LRO re wording/advice, i.e., is it a Union policy or individual grievance. File grievance. Ensure grievance form copies are sent to appropriate people (member, LRO, employer).
- Follow grievance procedure/steps under collective agreement. Arrange Step 2 meetings with LRO. Prep with LRO/member for grievance meetings.
- Liaise with LRO to extend time limits where appropriate.

- Ensure member, LRO and nurse representative (if applicable) are aware of ongoing status.
- Grievance Form – specific copies to appropriate people (member, employer, LRO, Grievance Chair).
- Grievance Chair to provide number of grievances to Bargaining Unit President for use in budget planning.
- Identify number of arbitrations, expedited arbitrations under Section 49 of the *Ontario Labour Relations Act* (OLRA), prep meetings. Collate information from other sites/units re violations, trends impacting others.
- Confidentiality issues as per Board Policy. Identify sensitive information and discuss with Bargaining Unit President/LRO regarding how much info can be released.
- Provide high level report back at Bargaining Unit meetings and in a newsletter where applicable.
- Consider what avenues, committees and alternatives to grievances can be utilized to resolve/discuss issues.
- Arbitration tracking – keeping member up to date and aware of date, prep meeting.

4. A process is in place for the timely collection of grievance data.

- Interview potential grievor – use fact sheet – develop data sheet (for LRO).
- Identify to member their rights as well as ONA's rights and obligations re carriage of grievance. Recourse is Policy 14.1 if decision in dispute.
- Keep track of all conversations or inquiries for potential grievances.
- Keep detailed notes of all meetings.

5. Timelines are maintained as outlined in the grievance process in the collective agreement and ONA Policy 14.1.

- Assist with verbal complaint and ensure response is within timelines. If denied, file within time frames of collective agreement.

6. Confidentiality is maintained in accordance with ONA policy during data collection and throughout the entire grievance process.

- Maintain individual confidentiality in accordance with ONA privacy policy.

7. Membership understands their rights under the collective agreement.

- Develop a process to ensure discipline is removed from an employees file in accordance with the collective agreement.
 - Liaise with employer/member.

- Create summary sheet (e.g. excel).
- Check monthly for files to be cleared.
- Report back to member that file cleared.

Provide ongoing interpretation of the collective agreement so that members know whether or not they have a grievance.

Ensure continued feedback/connect with grievor throughout grievance process.

8. All grievance files (including a copy of the original) are maintained at the Bargaining Unit level in accordance with ONA Policy.

Maintain current and past grievance files for use with employer as necessary.

9. Proactive review of employer policies (including attendance management) and procedures for potential grievances.

Track concerns with employer policies and provide evidence for changes to collective agreement during negotiations.

10. All issues brought to the Bargaining Unit have the human rights and equity perspective applied.

Track human rights and equity issues and discuss rationale for enhancements to collective agreement during negotiations.

11. Members are represented and supported throughout all stages of the grievance procedure in accordance with the collective agreement and the Ontario *Human Rights Code*, and are represented and/or supported through non-disciplinary meetings as required (including employer risk-management processes).

Refer to all steps previously highlighted.

TIER 2 ACCOUNTABILITIES

12. A process is in place, through the Local Executive, for Grievance Committee representatives to identify their learning needs.

Identify ONA workshops that would be beneficial to committee members and incorporate into learning needs assessment for Local Executive.

13. A process is in place to identify trends and report problem areas of the collective agreement to the Bargaining Unit President and Negotiating Committees for proposal development in bargaining.

Track trends for Bargaining Unit President and Negotiating Team and provide evidence for changes to collective agreement during negotiations.

TIER 3 ACCOUNTABILITIES

- 14. Bargaining Unit needs with respect to grievances are reported to the Local (numbers, potential costs and trends) for Local budgeting process.**
- Keep ongoing list of grievances/status (e-scan report back to Bargaining Unit President):
 - Include timelines.
 - May want to use Excel tool or system colour code files, etc.
- 15. Fiscal responsibility in accordance with Local Financial Policies for the grievance/arbitration process.**
- Liaise with Bargaining Unit President who will liaise with Local Coordinator/Treasurer re financial impact of grievances and arbitrations.
- 16. The grievor and Grievance Committee are aware of the dispute resolution mechanism under ONA Policy 14.1 for resolution of disputes regarding the filing of and/or advancement through the grievance procedure.**
- Engage in ongoing discussions with LRO regarding potential disputes.
 - Refer members to Policy 14.1.
- 17. Pay kept whole by employer for attendance at grievance meetings in accordance with the collective agreement.**
- Arrange time off for member to attend grievance meeting as necessary. Check Local policy/collective agreement.
 - Identify any financial implications to Bargaining Unit President, Local Coordinator and Local Treasurer.

Reference Materials (Contact your Regional Vice-President for assistance in locating):

<p>ONA Constitution and Statement of Beliefs [ONA website » Publications & Forms » Booklets, Guides & Manuals]</p>	<p><i>Labour Relations Act</i> [e-laws.gov.on.ca]</p>
<p>Service Delivery Manual/ Service Delivery Guidelines [ONA website » Executive Members » Forms & Reference Documents]</p>	<p><i>Employment Standards Act</i> [e-laws.gov.on.ca]</p>
<p>ONA Policy Manual [ONA website » Publications & Forms » Booklets, Guides & Manuals]</p>	<p>Guide to the Grievance Committee [ONA website » Executive Members » Forms & Reference Documents]</p>
<p>Collective Agreements [ONA website » ONA Members » various sector pages]</p>	<p>Guide for Attendance Management Programs [ONA website » Executive Members » Forms & Reference Documents]</p>
<p>Human Rights and Equity: A Guide for ONA Members [ONA website » Publications & Forms » Booklets, Guides & Manuals]</p>	