



# UOIT FACULTY ASSOCIATION

## Grievance Committee Terms of Reference

*Approved by UOITFA Executive Committee December 21<sup>st</sup> 2016*

## Preamble<sup>1</sup>

It is the mandate of the UOITFA Grievance Committee to recommend whether or not grievances that come before the Association are carried forward to arbitration.

A grievance is any dispute or difference arising out of the application, interpretation, administration, or alleged violation of the provisions of our Collective Agreements and/or legislative requirements. The UOIT Faculty Association (FA) 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<sup>2</sup>.*

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<sup>3</sup>. UOITFA 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. UOITFA is not, therefore, an advocate for an individual in the same way a lawyer would be<sup>4</sup>.

It is important for Grievance Committee members to recognize that all proceedings are to be kept in strictest confidence. This applies to communications with complainants, witnesses, UOITFA staff and University representatives.

## Membership and Structure

The committee will be co-chaired by the two Members-at-Large (one Teaching Faculty Member and one Tenured/Tenure-Track Faculty Member). Members-at Large of the FA are elected biennially at the Annual General Meeting of the Association.

The committee will include at minimum one Teaching Faculty Member and one Tenured/Tenure-Track Faculty Member plus the co-chairs. Committee members shall normally serve on the committee for a term of two years, renewable for a second two-year term.

The Grievance Committee includes:

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<sup>1</sup> With notes from WLUFA – Grievance Committee Terms of Reference

<sup>2</sup> Ontario Labour Relations Act – section 74

<sup>3</sup> University of Western Ontario Faculty Association – Manual for Case Officers of the UWOFA Grievance Committee

<sup>4</sup> Queens' University Faculty Association – What is a Grievance?

- Co-Chairs/UOITFA Executive Committee Members-at-Large (one Tenured/Tenure-Track and one Teaching Faculty Member), voting;
- Senior Grievance Officer, voting;
- Junior Grievance Officer, voting;
- At least one Tenured/Tenure-Track and one Teaching Faculty Member, voting;
- UOITFA President, non-voting;
- Grievance Coordinator (staff), non-voting.

All members of the Committee should receive appropriate training (provided by the UOITFA, CAUT and/or OCUFA). Committee members must declare any conflict of interest to the Committee, and shall not vote and/or participate in the Committee deliberations on said issue.

Agenda items will be collected and meetings will be minuted by the UOITFA Executive Assistant.

### Duties and Responsibilities of the Grievance Committee<sup>5</sup>

- Discuss and determine whether or not a grievance should proceed to arbitration and make recommendations to the UOITFA Executive Committee
- Keep abreast of potential grievance issues
- Monitor progress of grievances
- Review material and consider issues fairly, without discrimination and in a non-arbitrary fashion
- Understand the Duty of Fair Representation as well as the Duty to Accommodate; and deal with members with good sense and respect<sup>6</sup>
- Have a basic understanding of relevant human rights and employment legislation<sup>7</sup>
- Protect and respect the confidentiality of all matters that come before the committee
- Protect the provisions of the TF & TTTF Collective Agreements

### Duties and Responsibilities of the Grievance Coordinator<sup>8</sup>

- To work in collaboration with the Committee, Grievance Officers (GO) and Senior Grievance Officer (SGO)
- Provide the first point of contact between a Member and the FA. Investigate complaints and review grievances of the Association.
- To conduct a preliminary investigation of complaints fairly, without discrimination and in a non-arbitrary fashion
- Act as primary Association contact with lawyers and liaise with legal counsel regarding ongoing grievance issues
- Provide oversight and monitor progress of grievances
- Maintain confidential records for each case, including the management of the FA grievance management software
- Report on informal disputes and grievances to the Committee on a regular basis

<sup>5</sup> with notes from Lakehead University Faculty Association – Grievance Committee Policy and Practices

<sup>6</sup> CAUT

<sup>7</sup> CAUT

<sup>8</sup> With notes from UPEIFA – Policy on Grievance and Arbitration Procedures

- To negotiate with the Employer, in collaboration with the SGO, regarding the possible resolution of any disputes

#### Duties and Responsibilities of the Senior Grievance Officer<sup>7</sup>

- Develop and maintain a working knowledge of the Collective Agreements
- To work in collaboration with the Grievance Committee, Junior Grievance Officer(s) and Grievance Coordinator
- Meet with potential grievors as appropriate
- To conduct a preliminary investigation of complaints fairly, without discrimination and in a non-arbitrary fashion
- Monitor progress of grievances
- Maintain confidential files of cases in cooperation with the FA office
- Provide guidance and information to the Grievance Coordinator as necessary
- At all times the SGO shall maintain open, direct and timely communication with the UOITFA President
- Report on formal grievances to the Grievance and Executive Committees
- Attend grievance meetings to advocate for and represent grievors
- To negotiate with the Employer, in collaboration with the Grievance Coordinator, regarding the possible resolution of any disputes
- Provide feedback on offers of settlement

#### Duties and Responsibilities of the Junior Grievance Officer(s)

- Develop and maintain a working knowledge of the Collective Agreements
- To work in collaboration with the Grievance Committee, Senior Grievance Officer and Grievance Coordinator
- Meet with potential grievors as appropriate
- To conduct a preliminary investigation of complaints fairly, without discrimination and in a non-arbitrary fashion
- Monitor progress of grievances
- Maintain confidential files of cases in cooperation with the FA office
- Provide guidance and information to the Grievance Coordinator as necessary
- To be prepared to assume the other duties of the Senior Grievance Officer for grievances due to conflict of interest, workload or other reasons as necessary

### Accountability and Reporting

The co-chairs will report on the activities of the committee at a general meeting of the Association at a minimum of once per year, and as requested by the Executive Committee. They shall also report to the Executive Committee as requested or necessary.

The committee shall have a grievance line-item in the UOITFA annual budget and shall strive to work within that budget, noting that decisions on expenditures from Internally Restricted Funds (e.g. Legal, Arbitration) are made by the Executive Committee.

## Frequency of Meetings

The committee will normally meet at least once monthly, or as required on an emergency basis. The committee shall meet at the call of its Chair(s) or the call of any two of its members. Committee members may participate in person or via teleconference.

## Modification

As a standing committee of the UOITFA, the grievance committee can only be established or abolished by two-thirds majority vote at a General Meeting of the Association, following at least 15 days notice of motion.

The terms of reference for the committee shall be reviewed annually. Modification of the terms of reference of the committee can be made by a two-thirds majority vote of the committee and approval of the UOITFA Executive Committee.