

What exactly is a grievance?

Grievances are the normal way in which problems are solved in a unionized workplace where a Collective Agreement – a legal, binding contract – governs the relationship between Employer and Employee. A grievance occurs when a Union member believes that the Employer has violated some part of the Collective Agreement, and chooses to pursue a formal resolution.

“Grievance” is the term designating any formal negotiation between the Employer and the Union that seeks to resolve a dispute arising from disagreement over what specific language in the Collective Agreement means, and/or how that language should be applied. Grievances can be filed on behalf of an individual or group, and they can address a wide range of issues.

While the details of grievances are kept confidential, they are more common than you might think. Grievances have occurred in Departments and Units all across the University.

How you may be feeling

When your rights as a Union member are violated it is common to feel stress, anxiety, uncertainty, fear, or anger; but the thought of challenging your employer on an issue can also be unnerving. Sometimes grievances are necessary, however, to ensure that members receive the work, pay and benefits to which they're entitled under the Collective Agreement. It should be comforting to know that you're not in this alone – the Union can help you.

What kinds of grievances are there?

Many kinds of issues are grievable. For example:

- ☑ a job was not properly posted.
- ☑ you were not offered work that you applied for, even though you were the most qualified candidate.
- ☑ you have been unfairly disciplined or discharged.
- ☑ you are being harassed or intimidated at work.
- ☑ you are being overworked.

Grievances at CUPE 3902 fall into 6 broad categories: individual, group, policy, hiring, discipline and discharge, and discrimination and harassment.

A Union representative is always available to talk with you and help you understand what category your grievance falls into.

How the process works

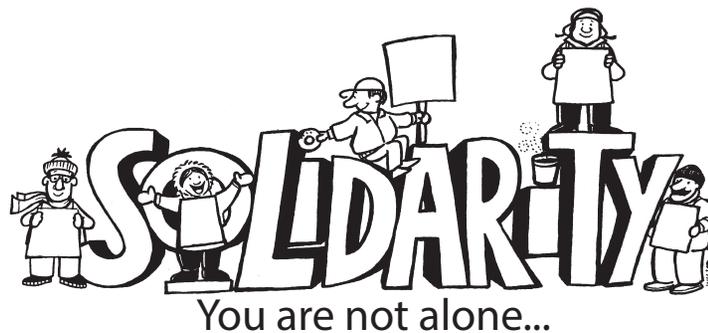
To file a grievance the Union writes a letter to the Employer (typically, to a Labour Relations representative or the relevant academic Department) on behalf of the Union member, who is referred to as the “grievor”.

The letter identifies the part of the Collective Agreement that the Union believes has been violated and suggests an appropriate remedy.

After the letter is received it is followed-up with a series of meetings between the Union and the Employer. These meetings often lead to a resolution that all parties accept.

If the grievance is not resolved after a set number of meetings (usually three), it may be referred to an independent arbitrator. An arbitrator is a neutral, third-party referee who makes a decision about the extent to which the grievance has merit, and how it should be resolved.

If you decide to file a grievance you will have the Union's support throughout the entire process. A Union representative will draft the necessary documents, help you understand and meet the relevant deadlines at each stage of the process, or attend meetings on your behalf should you wish, as these meetings might intimidate some members who are on the fence about pursuing grievances.



For detailed information about the grievance process, contact the Union office. A Union representative will be happy to speak about your issues and help you decide on an appropriate course of action.

How long do I have to file a grievance?

A grievance must be filed within a set amount of time after the relevant issue occurs. Usually, grievors have 40 working days to file a grievance; however, some kinds of grievances have shorter deadlines. For example, a Unit 3 hiring grievance must be filed within 15 working days (but it's still 40 working days for Unit 1), and a suspension/discharge grievance must be filed within 5 days for Units 1 & 3.

For details, see the Collective Agreement specific to your unit at www.cupe3902.org

In general, the sooner you bring a problem to the Union, the better. If you are having a work-related issue, talk to someone at the Union as soon as possible.

Possible outcomes?

Informal Resolutions

Sometimes a grievance isn't necessary. For example, if you notice a discrepancy between the hours you worked and the amount you were paid, you should first bring it to the attention of the relevant administrator in your Department. If you are not satisfied with the outcome, you should then contact the Union. With your permission, we will reach out to the Employer on your behalf. Often a phone call from a Union representative, or an informal meeting with the Department Chair, is sufficient to resolve the problem.

Administrators routinely misinterpret/misapply the provisions of the Collective Agreement, and it's typically the Union or U of T Labour Relations who clarify such issues for them. Informal resolutions are the most common way the Union settles issues with the employer.

Formal Resolutions

When an issue cannot be resolved informally, it may be necessary to file a formal grievance. The good news is that the majority of grievances are decided in favour of the grievor. For example, most hiring grievance resolutions either offer pay in lieu of the work that you should have been offered, or a guaranteed appointment in a subsequent term.

Who is here to help me?

The first place to go is your Department Steward or the Grievance Steward for your academic division. Contact information for Stewards can be found on the Member Portal, accessible through www.cupe3902.org

You can also contact the Grievance Officer directly at (416) 593-2109 or grievance.inquiries@cupe3902.org

For general information about CUPE 3902, visit our website: www.cupe3902.org (416) 593-7057

**or drop by our office:
208 Bloor St. W, 3rd floor**

Guide to the Grievance Process for Teaching Assistants, & Sessionals & Postdocs

at the
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of
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CUPE
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