

Grievance Procedure Manual

Checking Deadlines

Investigating a Grievance

Filing a Grievance

Filing a Grievance for Arbitration

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MAY 2009

1- Checking Deadlines

Before filing a grievance:

- Check the deadlines (see section 3 in this document);
 - If the deadline is approaching, a preventative grievance can be filed in order to maintain the rights of the person who believes that he or she has been wronged;
- consult your union counsellor.

2- Investigating a Grievance

To build a file:

- Interview the person who believes that he or she has been wronged;
- Record the dates of meetings, the persons present and prepare a written account of what transpires;
- Record the facts gathered from the injured party;
- Record, if applicable, the name(s) of potential witnesses of the incident;
- Meet, if applicable, the witnesses and gather their written versions of the facts;
- Verify if the collective agreement has been respected;
- Verify, if applicable, the jurisprudence (your union counsellor can send you the relevant decisions);
- Gather the physical evidence as required: cheque stubs, letters, College policies or directives, memos, minutes of meetings, allocation of teaching resources documents, copies of individuals' personal agendas, photographs, course outlines, program planners, etc.;
- Record the decisions of your union's grievance committee or of the Executive related to the situation, including the names of persons present and the date on which the decision was made;
- Include copies of all relevant correspondence;
- Include a copy of the grievance;
- Include, if applicable, any written agreement to extend deadlines;
- Include the employer's response to the grievance (a copy of the letter or of the minutes of the Labour Relations Committee (CRT));
- Include, if applicable, a summary of the discussion in CRT;
- Include a copy of the grievance filed for arbitration.

3- Filing a Grievance

Deadlines – Clauses 9-1.03, 9-1.07, 9-1.08 (pp. 174 and 175)

- ◆ 30 working days after learning of the fact causing the grievance, but no later than six months after the occurrence of the fact causing the grievance (9-1.03);
- ◆ In a case involving sexual harassment, the deadline is six months after the fact giving rise to the grievance (9-1.03);
- ◆ For a psychological harassment grievance, 90 calendar days after the last act of the conduct causing the grievance (9-1.03);
- ◆ These deadlines are in force unless a written agreement to extend them is made with the employer (9-1.07);
- ◆ Days during the vacation period do not count towards these deadlines (9-1.08).

The Grievance Form – Clause 9-1.04, Appendix IV-1

- ◆ Have the form signed by the teacher or the union's representative;
- ◆ State the facts and the corrective measures requested;
- ◆ Deposit the completed grievance form with the college's Human Resources department;
 - Make sure that the grievance form is signed by the employer's representative and keep a copy in the grievance file. **Warning:** the date that the grievance form was received by the employer must be clearly indicated.

Deadline for the Employer's Response – Clause 9-1.04

The deadline for the College's response is calculated from the date that the grievance form was received by the employer.

- ◆ 10 working days following the receipt of the grievance form or, if a CRT meeting is held to discuss the grievance, 10 working days after the CRT meeting.

4. Filing a Grievance for Arbitration

Deadline – Clause 9-2.01

- 60 working days after receiving the employer’s response;
- If the employer does not respond within the required deadline, 60 working days after the expiration of the 10-day deadline for the employer’s response;
- These deadlines are compulsory and cannot be extended except by written agreement between the parties.

Form (p. 249)

- The union must use the form printed in Appendix IV-2 of the collective agreement.

Submitting a Grievance to Arbitration

- The union must send a copy of the grievance and of the form printed in Appendix IV-2 to the Records Office of the arbitration board for the education sector and to FNEEQ.

Records Office Address:

Greffe des tribunaux d’arbitrage
du secteur de l’éducation
Édifce Lomer-Gouin
575, rue Saint-Amable, bureau 2,02
Québec (QC) G1R 5Y8

FNEEQ’s Address :

1601 avenue de Lorimier
Montréal (QC) H2K 4M5

5. Placing a Grievance on the Arbitration Roll

- The Records Office of the arbitration board for the education sector reserves 40 days per academic year for hearings from unions affiliated with FNEEQ;
- Grievances are placed on the arbitration roll in the order of their priority;
- The provincial parties meet approximately once per month to set the dates of arbitration hearings;
- The union must advise its counsellor when it wishes to set an arbitration hearing date.