
SCHOOL DISTRICT NO. 36 (SURREY)

No. 7250.1

REGULATION: MANAGEMENT OF UNION GRIEVANCES

1. DEFINITION OF A GRIEVANCE

- 1.1 In simple terms, a grievance is a difference of opinion by an employee and/or the union concerning how the collective agreement applies under different circumstances and includes differences regarding employee discipline.

2. RESPONSIBILITY AND AUTHORITY

- 2.1 The Associate Superintendent, Human Resources, is responsible for the interpretation, application and administration of collective agreements and may delegate such responsibility and authority to other members of the Human Resources staff consistent with their positions.

3. DEFINITION OF GRIEVANCE AND GRIEVANCE PROCESSES

- 3.1 Members of the school district's management team are called upon, from time to time, to deal with problems, complaints, and differences of opinions. When these flow from the interpretation, application, or operation of one of the school district's collective bargaining agreements, then a (collective agreement) grievance may result. Each collective agreement provides for a specific grievance procedure that involves various levels of management representatives at different steps of the process.

4. GRIEVANCE MANAGEMENT IN-SERVICE TRAINING

- 4.1 Each year, the Human Resources department will offer an in-service program in the district, "Effective Grievance Management" for management representatives.

5. MANAGING GRIEVANCES, PHILOSOPHY & RESPONSIBILITIES

- 5.1 It is the school district's desire that differences be resolved, where possible, before they become grievances, or failing this, at the lowest possible step of the grievance procedure. Management representatives participating at step 1 or 2 of the grievance procedure, however, are responsible for ensuring that no new contractual undertakings are agreed upon, implicitly or explicitly, by their independent action or inaction when managing a grievance resolution.

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This includes resolutions which would change past practices, amend past interpretations of the contract or increase costs or pay beyond that in place prior to the grievance. These are subject to advance consultation and agreement with an appropriate Human Resources manager. The use, by management representatives, of “without prejudice” resolutions where a union representative is involved and agrees to not make reference to such resolutions in any other forum, can be a useful resolution tool.

- 5.2 Grievance meetings should be conducted in a business-like manner. The focus should be on the issue. No representative from either side should engage in disrespectful conduct nor be subjected to intimidating behavior. If such conduct occurs, then the meeting may be adjourned.
- 5.3 Grievances are intended to be a constructive way to address contractual issues. No retaliatory action is to be taken against employees or union representatives because they have grieved or represented other members of the union in the grievance process.

6. THE NEED FOR EFFECTIVE COMMUNICATIONS AND RECORDS

- 6.1 Effective communications and district-wide consistency are an integral part of the effective management of grievances. To this end, management representatives attending grievance meetings will ensure that notes are taken regarding the meeting such that the discussions are captured at least in a general way and in a manner that can be understood by a third party.
- 6.2 The Human Resources department will make available on the Human Resources web page Grievance Report forms. The primary management representative responsible for the grievance at any particular step of the grievance procedure will promptly complete the Grievance Report form and fax it to the Human Resources department and to the applicable immediate supervisor. The information in the report will enable the school district to monitor and manage grievance resolutions and, if necessary, manage the grievances at the subsequent steps in the grievance procedure in an informed and timely manner.

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- 6.3 During a grievance meeting, management representatives will allow the employee or union representatives to present their views and ask questions so they fully understand the union's view as to the who, when, where, why, and what specifically happened. There is no need to make a grievance decision at the meeting. The grievance procedure allows time to consult, gather additional information, and reflect on the grievance after the meeting has been concluded (or even during a short adjournment, if desired).

7. INFORMED DECISION-MAKING

- 7.1 Informed decision-making is important to the effective management of grievances. Management representatives dealing with a grievance should contact an appropriate Human Resources manager if they are unaware of relevant legislation, past practices, existing interpretations, past resolutions, or if they require any assistance.
- 7.2 The jurisdiction for the direct handling of grievances on behalf of the school district often shifts as the grievance moves through the various steps. A management representative responsible for one of the early steps in the process is encouraged to consult, prior to the grievance meeting or prior to rendering a grievance decision, with the person responsible for the next step in the grievance procedure.
- 7.3 There are many organizational factors that need to be considered when managing grievances. Management staff may at times disagree among themselves about the relative weight to be given to the different factors affecting a grievance decision. For example, there may be differences of opinion over the appropriateness of expending funds at arbitration on a particular grievance. There may also be a difference of opinion as to the appropriateness of defending a grievance in the face of a potential deterioration in labour relations. As a grievance moves up the steps of the grievance procedure, new or over-riding organizational factors not known at the earlier steps of the grievance process may impact on this or subsequent grievance decisions and resolutions.

Management representatives who seek a clarification of a grievance decision should contact the appropriate Human Resources manager.

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8. HUMAN RESOURCES INVOLVEMENT - DISCIPLINE

- 8.1 The investigation of allegations of employee misconduct and the potential imposition of discipline are serious matters that often result in challenges or grievances. Investigations of allegations that might result in an employee suspension or termination are to be done in conjunction with or by persons who have had formal training in or considerable past experience with investigations. Management representatives may request the assistance of Human Resources personnel during investigations. A Human Resources manager and the supervisor of the person imposing discipline are to be consulted and involved prior to the imposition of a suspension or termination.

Appendix: Grievance Report Form

Approved: 2001-06-28
