

Understanding and Filing a Grievance



What is a grievance?

Generally a grievance is a violation of a specific provision of the contract, past practice, written policy or settlement agreement but it is important to understand the definition in your contract, as every contract is unique.

What do I do if I think the employer is violating the contract, past practice, written policy or settlement agreement?

You are taking an important first step by getting educated about what a grievance is and preparing for the process before an issue arises. It is important to understand your contract's grievance procedure and the timelines that apply before a grievance occurs.

Every contract has a grievance procedure that outlines timelines and steps that must be followed when filing a grievance. If the timelines or steps are not followed the grievance may be deemed invalid regardless of merit. So it is important to understand the timelines and steps that apply in your contract.

Once you think an event has occurred which may give rise to a grievance contact your steward or union representative.

What information will the steward need from me in order to investigate a possible grievance?

The steward may have you fill out a "grievance/issue investigation form". These forms are available online at cwa4340.org. In order to investigate the validity of a grievance the steward will need to know:

- ✓ Who is involved?
- ✓ What happened?
- ✓ When did the incident occur?
- ✓ Where did the incident occur?
- ✓ Why is this a grievance?
- ✓ How should the issue be resolved?

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How do I write a grievance?

It is important to work with your steward or union representative when preparing a grievance. If it is necessary to present a written formal grievance your stewards are trained and prepared to present a written grievance on your behalf. You are not alone in this process.

Often times the first step in the grievance process is to raise the issue verbally to a first line supervisor to allow the opportunity for the grievance to be resolved informally at the lowest possible level. Often issues are resolved without ever putting them in writing.

Every contract process is unique and must be followed properly. Some contracts require the employee or steward to fill out a specific grievance form. Other agreements do not permit employees to file a grievance without assistance and approval of the union. Again, it is imperative that you understand your contract's grievance procedure.

What information should be included in a grievance?

Again, work with your steward to prepare a grievance, but generally a grievance states the date and time of the occurrence that gave rise to the grievance, who the grievance is addressed to, who it is from, the step the grievance is at in the grievance process, a short statement of facts, the sections of the contract violated, and the proposed remedy. Remember, each contract is unique and may have specific requirements of what information or forms must be presented as part of the grievance process.

When drafting a grievance it is very important to not limit the contract sections violated or the remedy. Although some contractual provisions are unique the following underlined phrases should be used in every grievance:

The Company's actions violate the contract, including but not limited to, . . .

and,

The Union requests that the grievant be made whole in every way, including but not limited to. . .

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What if an employee has a concern that is not a violation of the contract, past practice, written policy, or settlement agreement?

There are many issues that come up for employees in the workplace, for instance:

Member-to-Member Conflicts

Employee-to-Supervisor Conflicts

Personal Troubles

Often, these issues do not rise to the level of a grievance because management is not violating the contract, past practice or written agreement. Nevertheless, employees still have valid issues that impact employment.

Although you may not have a grievance, you should still discuss employment concerns with your steward or union representative. They may be able to direct you to employee assistance programs, offer the option of mediating the dispute with a trained neutral third party, provide problem solving techniques, direct you to appropriate union officials, or refer you to other resources and tools.

Keep in mind that a steward's job is to enforce the terms and conditions of a labor contract and they are not necessarily the sounding board for all workplace complaints. It is important to respect a steward's work-time so that a steward is not overwhelmed by petty workplace gripes. Stewards are not interested in gossip and spiteful unproductive conversation.

Can I file a grievance against a co-worker?

No. Again, a grievance is generally a violation of a specific provision of the contract, or violation of a well-established past practice or written agreement. The agreement is between management and the union not between individual employees. If an employee violates the contract, like working overtime without getting paid, the grievance is against the employer for not paying. Or, if an employee sexually harasses a co-worker the complaint is against the employer for not enforcing or protecting the employee from sexual harassment. Lastly, if an employee is taking too much time off or has work performance issues this is not a violation of the contract and the grievance procedure is not the place to handle the concern.

If I think my supervisor is unprofessional and incompetent can I file a grievance?

No. Managers are permitted to manage poorly. If they manage poorly by violating a contract provision then you file a contract violation grievance. There may be other ways to deal with a difficult manager, like labor management meetings or mediation.

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Refresher!

- Read and understand your contract's definition of a grievance.
- Read and understand your contract's grievance timelines.
- Read and understand your contract's grievance procedure.
- Get prepared by filling out your "grievance form" when timelines allow.
- Support your steward's efforts to investigate and file a grievance.