



# GRIEVANCE GUIDELINES FOR LOCAL IMPLEMENTATION AND NEGOTIATION COMMITTEES

Legislative requirements, expectations and timelines are set out in Sections 261-264 of *The Education Act, 1995*. Procedures for an arbitration board, once established, are set out in Sections 248-250 of *The Education Act, 1995*.

Each local agreement must have a dispute resolution process. The process will outline the expectations for settling a grievance.

- Some have strict timelines, others have informal timelines.
- Some involve the respective bargaining chairs (LINC and board).
- Some involve a committee (LINC and board).
- Some direct the parties to resolve the issue.

If a member of a local association feels they have suffered a loss (time, leave, money, etc.) and feels it is due to an incorrect interpretation of the local agreement, the member will likely want to rectify the loss and will likely contact the president or LINC chair.

**This would be the appropriate time to inform your senior administrative staff liaison, who will notify the senior administrative staff responsible for bargaining support to:**

- Seek advice regarding interpretation.
- Start the analysis of the merits of a potential grievance.
- Provide suggestions to resolve at the local level.
- Initiate a legal review.

In the event the grievance is not resolved at the local level after following the process in the local agreement, most local agreements refer to moving it to arbitration as per the Act.

- Ensure the local process was followed as stated.
- Senior administrative staff would contact the member to gather additional background information and determine the basis of the complaint.
- Senior administrative staff would inform STF legal counsel, who will support the development of the grievance complaint.
- The accuracy of the complaint and the member's intention to proceed would be confirmed with the member.
- **Timelines must be adhered to in this process.**
- At this point, the Teachers' Bargaining Committee takes the lead in moving the complaint forward.
- The Teachers' Bargaining Committee would send the complaint to the Government-Trustee Bargaining Committee.
- The TBC and GTBC would have 15 days in which to negotiate to determine if the dispute can be resolved.

If the TBC and GTBC cannot resolve the dispute, the TBC **may** move forward to arbitration following the analysis of the strength of the grievance by STF legal counsel and the Executive Director.

If the Federation decides not to support the grievance, an individual could retain their own legal counsel and proceed with the grievance at their own expense or appear as a self-represented individual. If the individual decides not to proceed, the Federation will withdraw the grievance on the individual's behalf.

If the Federation decides to support the grievance, the Federation will provide a notice to the GTBC specifying the grievance and naming a nominee to the arbitration board.

- The GTBC has 10 days to name their nominee.
- The two nominees then have 10 days to name a chairperson.
- If a chairperson cannot be agreed upon, the Educational Relations Board chair will name the chairperson.
- The chairperson and nominees will consult with the parties to set arbitration hearing dates and deal with other procedural matters related to the hearing.

- Arbitration hearings will be held at the agreed-upon dates.
- The arbitration board will provide a written decision within 28 days of its establishment unless the timelines are extended by agreement of the parties. As a practical matter, timelines typically are much longer, as the arbitration board will need sufficient time to hear the matter, review the evidence and write a decision.
- The decision is binding on both parties.

The arbitration board's decision is subsequently filed with the Court of Queen's Bench and is enforceable as an order or judgment of the Court.