



GRIEVANCE GUIDE

INTRODUCTION

Grievances are a form of complaint based on a violation of the Collective Agreement. If the employer has violated the Collective Agreement, then the issue should be grieved. When a grievance is taken forward in the process at any level, it's vital to any case that we have all of the information and back-up documentation so that we can fully represent the member and present the case with all of the facts. Without all of the facts and information, grievances often will not be successful.

The grievance procedure can feel overwhelming and for that reason it is important to connect with a Shop Steward when filling out a grievance form so they can assist with identifying which articles have been violated. Shop Stewards can also request back-up documentation from the employer if required.

It is your responsibility as the grievor to provide accurate and complete information and back-up documentation for your grievances. There are timelines for filing grievances, so it's important to submit your grievances even if you don't yet have all the of the evidence. Send the documentation to the grievance office once you receive it.

Please refer to the following pages to help identify the documentation you may need for your grievance.

If you have questions or need assistance with filing a grievance, please reach out to a Shop Steward in your facility or contact the local Union office.

Always in solidarity,

Elizabeth Smallwood, Edmonton Local 730 Grievance Officer

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I. DISCIPLINE

- Grievor's statement
- A copy of any notices, including emergency suspension and interview (24) notices
- Outcome letters (suspension, letter on file, etc.)
- Shop Steward's notes from the interview and any subsequent meeting
- Any other information that may be relevant to the situation, including witness statements, photos, policies, etc.

II. OVERTIME AND BACKFILLING GRIEVANCES

- Equal opportunity lists
- Scheduled Rotation of Duties (EMPP) - working copy
- Who was bypassed, who should be paid out, and for how long?
- If you've requested 15.08 and it was denied, a copy of the 15.08 iform is required
- Backfilling grievances: fill out a backfilling grievance investigation form and provide the working scheduled rotation of duties for the section that you were removed from and where you were placed.

III. LEAVE (ALL TYPES)

- What type of leave are you trying to take? (Which article is it in the Collective Agreement?)
- Who from management did you request leave from and when did this occur?
- What did management say? What were the reasons for not approving the leave?
- For Urban members, please provide a copy of SAP Time Management coding
- Provide a copy of the leave request form or any requests that were put in writing
- For leave under Article 21 (Special Leave, which includes Marriage Leave and Bereavement Leave), more documentation may be required

IV. TIME MANAGEMENT (INCLUDING 44.11B AND 10.10 TERMINATIONS)

- For frequent absenteeism grievances, the required documentation that is needed includes the letters given to the grievor, the Shop Steward notes, and any other documentation that the grievor may be able to provide, including reasons why they're missing work.
- With issues for 10.10 release for incapacity and 44.11 temp availability, please reach out to the grievance officer (780-423-9000, ext. 3 or grievance@cupwedm.net) for further assistance.

V. HOUSEHOLDER GRIEVANCES AND VIOLATIONS OF APPENDIX D

- A copy of the householder
- The SOM of the flyer and a copy of the householder slip
- The depot and the routes affected
- The name of each Letter Carrier affected, which route they delivered, the staffing sheet showing who covered the routes on the day in question
- The number of flyers delivered on each route
- The payment the Letter Carrier received per flyer
- An explanation of what the violation is, ie. Compressed delivery, insert, oversized, etc, and witness statements attesting to the problem while handling/delivering.

VI. PAY ISSUES

- Pay issues must first be addressed with the employer as an urgent complaint under Article 9.07. It is important to take this step before proceeding with a grievance as this step will often help resolve the issue without a grievance. Because the grievance procedure is long and drawn out, when it comes to missing pay the grievance procedure should be used as a last resort - especially when experiencing financial hardship.
- Grievors should request that their supervisor contact Access HR and the member should request a copy of the email that the supervisor sent to Access HR, along with the case number if applicable.
- If these two steps don't resolve the issue, submit a grievance and provide all of the back-up documentation, including pay statements, Access HR case number, a pay audit from Access HR if applicable, and who the grievor talked to in management about their pay issues.

VII. HEALTH AND SAFETY ISSUES

- Health and safety issues while at work must be addressed with the LJHS Committee and raised in the LJHSC meeting minutes, but can also be brought to the attention of the Local Health and Safety Officer.
- LJHSC meeting minutes and/or hazard reports must be included.
- Also include what happened to make the workplace unhealthy and/or unsafe and what steps were taken to fix the situation?

VIII ISSUES SPECIFIC TO RSMCS

- For anything to do with an RSMC route, including KMs, PCIs, NM sets, points of call, stops, and so on, a copy of the Schedule A is required, and a copy of the audit if applicable. Grievances about sorting and delivery will not be successful without the Schedule A and other documentation.
- Identify what the specific issue is (addresses, where the problem is in the Schedule A, etc.). If the member is out of money, they will need to provide pay stubs.

IX. OTHER ISSUES

- There are some issues that cannot be grieved under the Collective Agreement. These include WCB and STDP decisions, benefit or pay issues that happen at the hands of Canada Life or Sun Life, pay increment issues, and seniority reviews.
- For pay increment issues, the member needs to contact Access HR and ask for their pay increment information. Access HR usually sends this information within 10 working days. When the member receives it, they should send that information along with all relevant pay stubs to the Grievance Office. It will then be forwarded to National CUPW for review. There is an agreement in place between CUPW and the employer to review all pay increment issues and try to resolve them outside of the grievance procedure.
- Seniority reviews are sent to Regional CUPW, who will then look at all of the information. Regional will contact the employer to have it fixed if it is wrong, or they will contact the Local to let them know why it's not wrong. The information that is needed is the person's current seniority date, their hiring paperwork (can be found in their personnel file), when they became permanent, and any information on if they've taken time off for more than 9 1/2 months. All information is helpful in this situation.

X. HARASSMENT, BULLYING, DISCRIMINATION, AND ACCOMMODATION ISSUES

- Regarding harassment issues, if the grievor submitted a formal complaint of any type, we need that information - who they submitted it to, when it was submitted, has the employer responded to complaint, and, if so, what the outcome was.

- Article 56 (urban) complaints are an option for anyone experiencing harassment under any of the prohibited grounds under the Human Rights Act. For urban members, violence in the workplace falls under 33.31 and also follows the investigative process under Article 56. For RSMCs, procedures within the Canadian Labour Code are applicable.

- Human Rights Complaints can be filed for any violation of the Human Rights Act, including race, national or ethnic origin, colour, age, sex, sexual orientation, gender identity or expression, marital status, family status, disability, genetic characteristics, and a conviction for which a pardon has been granted or a record suspended. In order to file a human rights complaint and for the Commission to consider acting on your complaint, the grievance procedure first needs to be exhausted.

- For accommodation issues, a human rights complaint may be filed as well as a grievance. The documentation required for this includes the grievor's restrictions and any documentation that may have been given from a third party (Canada Life, Sunlife, WCB, etc.), Article 54 minutes (from the Health and Safety Office). If you requested and received a FOIP (Freedom of Information and Protection of Privacy Act), please include it. It is very important for the Shop Steward to make notes with the member and state exactly where the violation occurred, including dates, times, and where they could have been accommodated. Had it been discussed with the employer aside from Article 54? Please provide details and minutes from any meetings.

Please reach out to a Shop Steward or the Local Union office if you need assistance filling out a grievance regarding harassment and/or accommodation issues.

A copy of the member's restrictions is required in every situation that involves accommodation.