

# Grievance Procedure

This document outlines the grievance procedure available to all general staff of Queen's University including research grant and contract staff. The aim of this grievance procedure is to provide the rights and means to resolve workplace problems quickly and fairly. Any staff member who makes use of the provisions of these procedures shall not be subject to recrimination or harassment as a result of exercising this right.

A grievance is a complaint by a staff member that they have been improperly subjected to disciplinary action or has been unfairly treated under the University's established policies, practices and procedures. Grievances by more than one employee on the same issue may be aggregated into a single grievance if the grievors so request and there is agreement with the employer that the subject of the grievances is in fact the same.

A staff member may ask for advice and assistance from a staff advisor, the Coordinator of Dispute Resolution Mechanisms. The staff member may choose to be accompanied or represented by any Queen's employee who has been employed for at least 12 months and who does not report to the same department head in informal and formal attempts to resolve the complaint or formal grievance.

## Roles

### University Secretariat

It is the role of the Coordinator of Dispute Resolution Mechanisms to coordinate the training and support of staff advisors, to educate staff in the grievance procedure, to coordinate the activities of staff advisors, to keep records of cases dealt with in the form of reports from staff advisors, to assemble a brief annual report, to provide a liaison between the activities of staff advisors and to provide a liaison between the staff advisors and the University.

### Staff Advisors

There shall be no less than five (5) and preferably eight (8) staff advisors appointed by the Principal. At least three (3) or half of the staff advisors will be chosen from a list provided by QUSA. The Principal is able to choose the others by a process they initiates, so long as the chosen advisors are members of the non-unionized staff. The staff advisors chosen from the list provided by QUSA will be so identified in all communications. All staff advisors will be appointed for two (2) year renewable terms. Staff advisors provide advice and support to non-union staff involved in disputes and, when requested by the complainant/grievor, have the right to be present and represent the complainant/grievor at all stages of the grievance procedure.

Staff should feel free to approach any of these persons on an informal basis. Staff advisors are available to assist those with problems by examining whether there is cause for formal complaint and by giving information on the policies and procedures which are applicable. Every effort should be made to settle issues at the early, informal stages.

Staff advisors may also provide advice and support to employees on matters which may not be the subject of a grievance as described herein, but are complaints or concerns about problems in the work setting.

All discussions with a staff advisor are treated as private and confidential and no action is taken nor information discussed without the prior knowledge and agreement of the staff member concerned.

## Supervisors

All University employees who exercise supervisory responsibilities are expected to clearly communicate performance expectations to staff for whom they have supervisory authority and to apply university policies and guidelines in a consistent, appropriate and equitable manner.

## Employees

It is the responsibility of the employee to bring to the supervisor's attention problems or perceived problems. These problems may deal with policy or process issues.

## Grievance Procedures

The goal of the process is the satisfactory resolution of workplace issues. Staff advisors can play a valuable role in informally attempting to find solutions to issues. Discussion and broad, creative development and evaluation of options often will lead to resolution of complex and sensitive situations. QUSA and the University both encourage the use of this process. During the informal process all time limitations may be suspended by mutual agreement for a reasonable period except for the requirement that the supervisor be personally informed of an issue within 45 days from the time that the circumstances arose which led to the complaint.

Non-unionized staff should bring their complaints/grievances to the attention of the University without delay. Both QUSA and the University believe it is in the best interest of both parties to attempt to resolve the situation in an informal manner if possible.

Until a supervisor has been informed of a complaint and has had an opportunity to adjust it, there does not exist a grievance. The employee must bring their complaint to the supervisor's attention. This is done by the employee requesting a meeting with the supervisor or unit head during which a calm, frank and comprehensive discussion of the issues should be had. The request for this meeting must be made within forty-five (45) working days from the time that the circumstances arose which led to the complaint. A staff advisor, a member of the QUSA executive, or another Queen's employee as noted in the preamble can attend with the employee should the employee wish so.

If, after registering the complaint with the supervisor and such complaint is not settled within five (5) regular working days or within any longer period which may have been agreed to by the employee and the supervisor, then the following steps of the grievance procedure may be invoked.

## Step One

The grievance shall be submitted in writing by the employee to the manager (in all cases this is the person to whom the supervisor normally reports, except when the supervisor is the unit head or director, then the grievance will be filed with them) of the department or their equivalent in the unit involved. Copies must be filed with the University Secretariat and Human Resources. Such a grievance must be filed within five (5) working days after an answer is received from the supervisor or unit head during the informal process. The manager will meet with the employee within three (3) working days of the receipt of the grievance in an attempt to resolve the grievance. The employee may be accompanied by a Queen's employee as noted in the preamble. The manager shall within a further three (3) working days answer the grievance and return it to the employee. These timelines can be extended by mutual consent.

## Step Two

If the grievance remains unsettled at the conclusion of Step One, the grievor may request an appeal board.

- The employee should inform the Coordinator of Dispute Resolution Mechanisms of the request for an appeal board, the specific nature of the complaint, the remedy sought and the name of a support staff member from another department who has agreed to serve on the board hearing the grievance. The person nominated to the board does not act as an advocate for the grievor. Instead they are to participate in the hearing in such a way that the grievance is examined and a recommendation made without bias.
- The Coordinator of Dispute Resolution Mechanisms will inform the person grieved against that a request for an appeal board has been received. That person will be asked to name within one week, a support staff member from another department who has agreed to serve on the board which will hear the complaint.
- The Senate Office will immediately write to the two board members, informing them of their responsibility to agree on a chairperson to be selected from the list of chairpersons.
- The chairperson is responsible for convening the first meeting of the board within one week.
- The appeal board holds a preliminary meeting to review the case.
- The chairperson sets the date and location for the hearing in consultation with the parties and the board members. The hearing should be held in a location where neither party has a special relationship. All three members of the board and the two parties to the grievance must be present at the hearing. Both parties may be accompanied by a support staff member, or in the case of the grievor, QUSA executive member, who can act as an advisor or assist them in their representations.
- The appeal board begins its deliberations as soon as possible after the hearing. The board reports its findings to the Coordinator of Dispute Resolution Mechanisms within 30 days of the appointment of the chairperson. The Coordinator of Dispute Resolution Mechanisms will notify the parties to the grievance and the Director of Human Resources of the decision of the appeal board. All original documents related to the appeal board are sealed in an envelope and stored in the vault of the Secretary of the University. All other documents and copies pertaining to the appeal board are destroyed.

If either party to the grievance is in disagreement with the decision of the appeal board then the grievance may be referred in writing by either party to arbitration as provided for in the "Arbitration" section, which

follows, at any time within twenty (20) working days after the decision is received under Step Two. If no written request for arbitration is received, by the University Secretariat, within twenty (20) working days after the decision under Step Two is given, the grievance shall be deemed to be settled.

Time limits provided for in this section may be extended by mutual consent of the parties, in writing. Where no written answer has been given within the time limit specified, or any extension thereof, the grievance may be submitted to the next step of the procedure, including arbitration.

## Arbitration

If a grievance is not settled at Step Two, either party may notify the other within twenty (20) working days after receiving the written reply that it intends to proceed to arbitration. Copies of this notice must be provided to Human Resources and the University Secretariat. The notice of intention to proceed to arbitration shall contain the details of the grievance, a precise statement of the alleged violation and the remedy sought by the party from an arbitrator.

The grievor shall deposit \$250 with the University Secretariat Office when there is a request for arbitration by the employee. This deposit is to be used to defray administrative expenses associated with the arbitration. It is also forfeitable should the grievor abandon the matter without proper notice.

Should the grievor and the University fail to agree on an arbitrator within ten (10) days after receiving notice of arbitration, then an arbitrator will be selected by lot from the list of active arbitrators maintained in the Principal's Office.

- The arbitrator's fee shall be paid by the University.
- The decision of the arbitrator shall be final and binding on the grievor and the University.
- The time limits referred to in the arbitration procedure may be extended by written mutual consent of the parties.