

Handling a Grievance

Information for Managers

Background

The *Civil Service Collective Bargaining Act* makes provision for the establishment and application of a formal grievance procedure within the civil service of Nova Scotia. This procedure is subject to negotiation and is included in detail in all current collective agreements. The purpose of the procedure is to provide an orderly and efficient process for the resolution of employee problems.

The Complaint

Before a written grievance is filed, the employee who has a complaint must first discuss the matter with his/her manager. Employees who do not follow this procedure are not entitled to lodge a written grievance. It is the responsibility of the manager to vigorously attempt to resolve complaints before they become written grievances. Because of his/her closeness to the working level and direct day-to-day contact with employees, the manager is best located in the organization to investigate and resolve complaints.

The Grievance Procedure

The grievance procedure may move through four designated levels of review:

1. Manager
2. Upper management position (varies among departments)
3. Deputy Minister
4. Adjudication (if the grievance deals with an arbitrable item)

Procedures for investigation and answering a grievance are similar at all steps of the process.

The Written Grievance

To effectively investigate a grievance, the manager must identify and clearly understand the issue.

1. Before undertaking any further steps, put in writing a clear, concise statement of the issue involved.
2. Next, determine whether what you have comes within the meaning of a grievance (consult either the department's Director of Human Resources or the Staff Relations Consultant at the Public Service Commission). If the issue is not a grievance it should be rejected. However, it is a sensible management practice to get to the root of the dissatisfaction and solve it before it develops into something more serious.
3. Decide who is involved in the grievance. Does it concern an individual or a group of employees? Is an employee representative named?
4. Investigate the exact details surrounding the issue. Relate the facts discovered to the appropriate provisions of the agreement or directives issued by the employer.
5. Establish whether or not the grievance was filed within the prescribed time limits. If it was not, this may be sufficient reason for rejection. However, the union has the right to proceed to adjudication and argue that the time limits should be waived.

6. Find out exactly where the incident took place.
7. Try to ascertain the underlying cause that may have precipitated the grievance. The real cause of dissatisfaction may be something apart from the grievance.
8. Meet with the employee and/or the employee's representative. This will allow the employee and/or representative to present a full explanation of the circumstances surrounding the grievance. This is a formal meeting. If the employee is accompanied by a union representative, there should be two management representatives present. Restraint and maturity are crucial factors in this meeting. Management should treat union representatives with the same respect as they would wish to be accorded.
9. Familiarize yourself with actual working conditions surrounding the grievance issue. Visit the work area and talk to co-workers who may have knowledge of the grievance.
10. Examine the griever's personnel record. This must be considered in the course of the investigation, especially in cases involving discipline or discharge. Length of service, jobs held, absenteeism, appraisals, and previous discipline may be of significance in arriving at the grievance decision.
11. Examine the relevant contract provision or directive. Make sure that local management is interpreting the contract provision correctly. Check this with the department's Director of Human Resources or Staff Relations Consultant.
12. Record the results of your investigation carefully and completely. This is extremely important if the case should later go to adjudication. Even if it does not, it may go through various steps, with higher and higher levels of upper management and union people involved. It is therefore very important to build a record of the case from the very beginning. At a minimum this means keeping accurate records and the names and locations of the witnesses interviewed. It may not be sufficient that you, the manager, handled the grievance properly, you must be able to prove that it was handled properly. Failure to do this could mean the loss of the case, should it go to adjudication.
13. The decision should be consistent with the agreement. It is best to consult with either the departmental Director of Human Resources or Staff Relations Consultant regarding the decision and the wording of the written answer.
14. Whenever a grievance is passed to a higher level it should be accompanied by a dated written memorandum containing all the facts including:
 - a summary statement of the grievance
 - a summary of those facts relevant to the grievance
 - the decision on the grievance
 - the reason for the decision
 - all pertinent documents

Advising the Public Service Commission of Grievances

PROCEDURE

When a grievance is received, it is the responsibility of the department to send a copy to the Staff Relations Division of the Public Service Commission. Similarly, a copy of the response to the grievance at each level of the grievance procedure should be sent as well. The notification procedure assists the Staff Relations Division by:

- providing records for research purposes and identifying agreement articles that may require rewording or modification
- enabling them to develop policies and methods that will help departments in

- processing grievances
informing them of the grievance in progress and thus providing an opportunity for the Public Service Commission to provide advice regarding the responses

Staff Relations Consultants are responsible for providing advice and assistance to departments on all grievances.

Enquiries

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