

# What To Do If You Have A Problem?

To some extent the answer depends on what the nature of your problem is, but here are some suggestions.

## Contact Us As Soon As Possible!

### Laurentian University Faculty Association (LUFA)

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The sooner we are aware of the problem, the better. Many problems can be avoided altogether or resolved relatively easily when action is taken quickly. Our Collective Agreement sets out specific time lines for the grievance process, so if action in the form of a grievance is required it must be timely.

## Read Your Collective Agreement.

It is important to know your rights and responsibilities. Many of the questions that you have can be answered by reference to the articles in the Collective Agreement. The Collective Agreement also helps you understand the process of filing a grievance. It is also useful to read the relevant university policies.

[www.lufapul.ca/col\\_agree\\_05\\_08\\_e.pdf](http://www.lufapul.ca/col_agree_05_08_e.pdf)

[www.lufapul.ca/pdf/huntington.pdf](http://www.lufapul.ca/pdf/huntington.pdf)

[www.lufapul.ca/pdf/uofs\\_05\\_08\\_e.pdf](http://www.lufapul.ca/pdf/uofs_05_08_e.pdf)

[www.lufapul.ca/pdf/col\\_agree\\_05\\_08\\_thornloe.pdf](http://www.lufapul.ca/pdf/col_agree_05_08_thornloe.pdf)

## Consult us before responding to administration.

If you receive any kind of verbal or written communication on any topic concerning your terms and conditions of employment, consult us before you respond. This includes communication such as disciplinary letters, verbal reprimands or requests for clarification of tenure or promotion materials. If you receive a negative decision in any of the collegial processes, contact us immediately. We can guide you through the appeal process.

Your union is there to assist you, to offer advice on aspects of the Collective Agreement and we can advise you about the best way to proceed. It is your right to ask for representation and it's our duty to provide it in a timely and confidential manner.

## What is a grievance?

In the legal sense, a grievance is any difference between the union & its members and the Employer arising out of the interpretation, application, administration or an alleged violation of the Collective Agreement.

To decide whether it is a complaint or a grievance it is useful to ask the following:

- Is it a violation of the Collective Agreement?
- Is it a violation of past practices in the University?
- Does the action violate a health and safety statute or other provincial or federal law?
- Has the administration acted unfairly, in a discriminatory manner?

If we can answer yes to the above questions then there is usually a legitimate grievance.

The process whereby a grievance is resolved is set out in detail **in the Collective Agreement**.

**Laurentian University** - Article 8.3 Grievance and arbitration

**University of Sudbury** - Article 8 Grievance Procedure

**Huntington University** - Article 35 Grievance Procedure

**Thornloe University** - Article 8.30 Grievance and Arbitration

The process involves four basic steps:

1. Complaint (informal stage),
2. Written grievance and Employer written response,
3. Internal dispute resolution,
4. Arbitration.

A grievance can be settled at any stage by either party.

### **So can I grieve about something a colleague does, even if they too are in LUFA?**

Yes. The Employer has an obligation to ensure that the Collective Agreement and relevant laws are obeyed in the workplace. Two examples: the Employer must provide a harassment-free workplace per the *Ontario Human Rights Code*; the Employer must protect your copyrights to course materials you have developed.

### **If I have a complaint of harassment or discrimination, what options does the Collective Agreement give me?**

You can complain, grieve and/or take your complaint to the Community Rights Office.

Lise Dutrisac-Dillabough  
Community Rights Advisor  
L-818, ext. 3422

### **Are there time limits on when I can complain and grieve?**

Laurentian University's Collective Agreement Article 8.3.8.a indicates that the Association and the Board agree to make reasonable efforts to settle grievances promptly by informal and amicable means. Thus, the grievor shall first attempt to get the matter under question resolved by informal means within thirty (30) working days of the date upon which the grievor had notice of the event or decision giving rise to the grievance. This would normally involve contacting the Dean/Director of the Library concerned before bringing the matter to the Vice-President, Academic. However, this does not preclude making the Vice-President, Academic aware of such a grievance, nor does it preclude a grievance from being addressed to the Vice-President, Academic initially or early on in the process.

Huntington University's Collective Agreement Article 34.01 indicates no time limit for bringing a complaint forward to the President, however, Article 34.02 requires that a complaint must be brought forward prior to a grievance being brought forward, and a grievance must be brought forward *within 20 working days* of the incident.

Thornloe University's Collective Agreement Article 8.3 indicates a *30 calendar day* time limit for bringing a *complaint* forward to the President. If a complaint is not settled within 10 calendar days after the complaint is brought forward then the Steward has 14 calendar days to make a written grievance.

University of Sudbury's Collective Agreement Article 8.02 indicates a *21 calendar day* time limit for bringing a *complaint* forward to the appropriate decision-maker for discussion. The decision-maker then has 21 calendar days to provide a written decision. If the matter is not settled, the Association may put forward a grievance to the President within 21 calendar days of the decision-maker's written response.

### **Can I bring a union representative to meetings with my Chair, Dean, a Vice President, or another Employer representative, e.g. a student complaint against me?**

Yes. We recommend that you do so in some cases. If you are uncertain, contact us and ask. In any case, you should always take notes during meetings with Employer representatives.

### **Can the Employer retaliate against me if I complain or grieve?**

No. Your right to grieve is protected by the *Labour Relations Act* and the Collective Agreement.

*Sources: Some of this material is from the following - CAUT training modules, YUFA website advice and various union handbooks.*