



## Step 1: Consultation

A member contacts CUASA to discuss an incident. Staff work with the member to evaluate the incident based on the available facts and evidence, the collective agreement, other relevant documentation, and the applicable law.

If there is a legitimate claim and the member wishes to proceed, a complaint or grievance can be filed within 25 working days of the incident, or of when the member could have reasonably become aware of the incident. If it is not appropriate to file a complaint or grievance, the union may still be able to assist the member in other ways.



## Step 2: Filing a Complaint

In most cases, an informal complaint is filed first. In some cases, when the issue relates to discipline, discrimination, or harassment, the matter proceeds directly to the grievance stage.

To initiate a complaint, the union notifies the university of the complaint and schedules a meeting to discuss it. After the meeting, the university has 25 working days to reply. When replying, the university may state that it wishes to settle the matter, or it may “deny” the complaint. Ideally, complaints will be settled at this stage.



## Step 3: Filing a Grievance

If the issue was not resolved during the complaint stage, the union may file a written grievance by submitting a grievance form to the university within the prescribed timeframe. The grievance form states the claim, supporting facts, and requested remedy. After submitting the grievance, the union schedules a meeting with the university to discuss it. After the meeting, the university has 10 working days to reply. Like with the complaint stage, the university may seek to settle the matter when replying to the grievance, or it may simply deny the grievance. Whenever it is possible and reasonable to do so, the union’s goal is to resolve grievances by reaching a settlement.



## Step 4: Arbitration

If a grievance is denied, the union may refer the grievance to arbitration within 10 working days of receiving the university’s reply. At arbitration, the union presents evidence and makes arguments before a neutral third-party labour arbitrator, who will issue a final and binding decision on the matter. The decision to refer a grievance to arbitration is made by CUASA’s Grievance Policy & Administration Committee, based on several factors, including the available facts and evidence, the applicable law, the interests of the membership, and the costs and risks associated with arbitration.



## Optional: Mediation

When possible, after a grievance has been referred to arbitration, the union seeks to avoid arbitration by engaging in mediation with the university. The goal of mediation is to reach a settlement with the assistance of a neutral third-party mediator. If mediation is unsuccessful, the grievance may still proceed to arbitration.

**For more information, please refer to Article 29 of the collective agreement, the FAQ on the next page, or contact CUASA staff by sending an email to [grievance@cuasa.ca](mailto:grievance@cuasa.ca).**

# Frequently Asked Questions

## **What is a grievance?**

A grievance is a claim by an employee or a group of employees, by the union, or by the university that there has been a violation, misapplication, or misinterpretation of the terms of the CUASA collective agreement. Almost all grievances are claims made by an employee or the union. When an individual makes a claim, they are often referred to as a “grievor”.

## **If I contact the union with a concern, will a grievance be filed automatically?**

No. The union will only file a complaint/grievance if a member wants us to, and if the available facts and evidence support a valid claim. If a complaint/grievance is filed and the member later decides they no longer wish to continue with the process, the union will withdraw it.

## **If a grievance is not filed after I contact the union with a concern, what else can the union do to help me?**

Sometimes it is premature to file a grievance, a member’s concern is not grievable, or the member simply does not wish to grieve. In these scenarios, the union can still help by advising the member on how to handle a situation, by providing resources the member may not be aware of (e.g., contact information for various support services), and by documenting the situation in case it is needed for future reference. Most concerns/inquiries brought to the union do not lead to a grievance being filed, but the support and assistance the union provides can still be very helpful for the members who contact us.

## **Can I refuse to do something I’ve been asked to do if a grievance has been filed?**

In most cases, no. You must “work now and grieve later”, meaning that you must obey all lawful orders from your employer even if a grievance has been filed or will be filed. You may only refuse an order if following it would clearly be unlawful or unsafe for yourself or others.

## **Do I have to attend grievance meetings?**

In most cases, yes. However, you are not required to speak during the meeting. In some cases, the union will not have a grievor attend because of interpersonal conflict or tension that may make the meeting unproductive.

## **What is the Grievance Policy and Administration Committee and what does it do?**

This committee is comprised of volunteer CUASA members, and it is supported by CUASA staff. It meets monthly from September to June of each academic year. It is responsible for overseeing the grievance process and the work of grievance staff. The committee also makes important decisions related to grievances, such as deciding when a grievance will be referred to arbitration, and when a grievance will be withdrawn even though a member wants it to proceed.

## **Who should I contact if I have a concern, issue, or inquiry?**

Please send an email to [grievance@cuasa.ca](mailto:grievance@cuasa.ca) as soon as possible.