

Grievances: Friend or Foe?

The thought of filing a grievance may strike terror in the heart of some members, or be a welcome relief to others who are looking for resolution when in dispute with their employer.

Grievances are often the foundation for future contract proposals, they help to identify areas where there may be confusion or ambiguity in contract language. Grievances may be very specific to a particular individual and situation, or have very broad far reaching implications. The thought of filing a grievance may strike terror in the heart of some members, or be a welcome relief to others who are looking for resolution when in dispute with their employer. When entering into the grievance process as members we often are unprepared for the length of time that is involved, the number of factors and issues that need to be considered and the number of people that may end up becoming involved.

Definitions:

Grievance – in employment law, a grievance is a formal, itemized complaint to management that it has treated one or more employees unfairly or has violated the contract or collective bargaining agreement.

Arbitration - method of alternative dispute resolution where neutral party or parties helps make decision and decision is binding.

The grievance process is a mechanism or tool to aid employees when a dispute arises with their employer and can not be resolved. This dispute could be over contract interpretation, application of a particular article, or the administration of an article. In each case resolution can be sought through the grievance process. A process is defined in each of MAHCP's collective agreements that lays out the steps of the grievance procedure and defines the timelines. *After filing a grievance a member may be surprised by the length of time from the date of filing a grievance to resolution. With*

an unresolved issue frustration can and does start to build. "I filed my grievance 6, 8, 12 months ago what's taking so long?" A very good, and often asked question. The process of grieving an issue can be lengthy, especially ones that go to arbitration.

Before filing a grievance a number of questions need to be addressed that will help to clearly identify the grievance. Once it is established as a grievance then the more data to support the grievance the stronger the case. Thus a very important piece to this process is the investigation stage, where a series of questions need to be answered and witness statements (if any) are gathered.

Once a grievance reaches the Human Resources (HR) Department and is still not resolved many of our contracts have language that enable either party to request the use of the grievance investigator. This is a voluntary process that has been a very successful tool for MAHCP to resolve grievances prior to going to arbitration. The recommendation of the grievance investigator is not binding and either party can request that the grievance proceed to arbitration. The Grievance Investigation Process (GIP) is unique to MAHCP and over the years has proved to significantly reduce the costs in dollars and time versus proceeding directly to arbitration. A very large percentage of our grievances are resolved at GIP. However, if not resolved at GIP and then forwarded to arbitration the extra steps of GIP adds to the length of time to achieve resolution.

Arbitration is yet another mechanism to achieve resolution after the previously discussed options have been unsuccessful. Again MAHCP's collective agreements have an article outlining the procedure for the arbitration process. Unfortunately there are a limited number of arbitrators familiar with the health care sector to choose from and both parties must agree

on an arbitrator.

Once an arbitrator is chosen the next issue is their availability and often arbitration dates are 12-18 months into the future. At the arbitration hearing both parties offer their evidence in a formal setting presided over by the arbitrator. The hearing may take several days. Once the arbitration hearings have been concluded the parties must then wait for the arbitrator's decision which again could take several months.

The Executive Council has taken a very serious view regarding the number of grievances, the impact of arbitrations and the length of time it is taking to reach resolution. MAHCP is tracking the trends in grievances and is developing strategies and implementing those strategies to address these very serious concerns. *As the RHAs become more intransigent we are seeing a significant increase in the number of grievances filed, and a significant increase in the number that are going to arbitration.* While we have had success with our recent strategy seeing a number of grievances resolved within the last few months, we are continuing to explore and develop more strategies.

In conversation with some of our counterparts across the country, I am discovering that the experience of the other unions is very similar to ours. Like us, many of them are currently in the process of gathering and compiling data and tracking the trends of their grievances.

While sometimes a long and often tedious process grievances help to defend and maintain workers rights. While often seen as a foe, they are in reality beneficial to members and the union as a whole.

In Solidarity
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