

Policy Number	008-M-2007
Policy Group	Membership
Policy Name	Grievance/Arbitration Appeals
Date of Origin	June 2007
Date Amended	December 2009, September 2014, May 2017
Date Reviewed	November 2013, October 2015, November 2016

PURPOSE To inform members or Locals of their right to appeal a decision of the Union regarding their grievance.

SCOPE Members, Locals

POLICY STATEMENT A member or Local shall have the right to appeal when a dispute exists with the Union regarding their grievance.

PROCEDURE

If the member or Local involved disagrees with the decision of the Director of Labour Relations to not file or proceed with a grievance, or not to advance a grievance to arbitration, the Director of Labour Relations shall advise the member or Local of the following process.

Throughout this process, the Union will take such steps necessary to ensure that the grievance continues to be processed in accordance with the prescribed procedure and in accordance with the time limits contained therein.

- a) The Employment Relations Officer shall notify, in writing, the Director of Labour Relations, with substantiating documentation, when there is a dispute with a Local and/or member about whether to file a grievance, withdraw a grievance, settle a grievance with less than the proposed redress of the grievance and/or whether a grievance should be withdrawn from arbitration.
- b) Settlements less than the proposed redress of a grievance or the withdrawing of a grievance can occur at any step of the grievance/arbitration process.

- c) The Director of Labour Relations shall either agree or disagree with the recommendation made and that, in so doing, may seek further information or clarification from the ERO and/or Local/member.
- d) Where the Director of Labour Relations agrees with the recommendation made not to proceed with filing a grievance, to withdraw a grievance for settlement(s) less than the proposed redress of a grievance, or to withdraw a grievance from arbitration, notice of such a decision shall be given to the member and/or Local involved by registered mail. The rationale for the decision made shall be provided and a period of thirty (30) days identified during which the decision of the Director of Labour Relations may be appealed, in writing, either by the member or the Local, to the Executive Committee of the Saskatchewan Union of Nurses.

If the member or Local involved disagrees with the decision of the Director of Labour Relations, the process as outlined below shall be used.

- a) If the member or Local disagrees with the decision of the Director of Labour Relations, a letter of appeal must be submitted by the member or Local to the Executive Committee. This letter must clearly state the reason(s) for the appeal. This letter must be sent by registered mail to the Regina SUN office and must be sent within 30 days of the member or Local receiving the rationale for the decision.
- b) Should objection be received from a member or the Local, a hearing shall be held by the Executive Committee at a time and location to be established by the committee. The member/Local shall be advised, in writing, of the time and location of the hearing.
- c) The Executive Committee shall conduct itself and hear such evidence as it sees fit, including discussion with the member and Local involved, whether or not such evidence would be acceptable in a court of law. It is up to the discretion of the Director of Labour Relations to call witnesses.

Evidence to be heard at the hearing shall be disclosed to the Executive Committee, and the member and/or Local prior to the hearing.

The Executive Committee shall be viewed as a neutral entity. To assist the committee in making an unbiased decision, they should be provided the following:

- A copy of the grievance
- Copies of denial at each step
- A copy of the abeyance letter
- A copy of the letter from SUN stating the issue will not proceed
- A copy of the appeal letter from the member
- A copy of the letter confirming the meeting

The member and their representative (if applicable) should be advised of what material the Executive Committee has at the onset of the meeting.

- d) The member and/or Local may be represented by counsel and may be entitled, at the discretion of the Executive Committee, to call on witnesses at the hearing at their own expense. Names of such witnesses shall be disclosed to the Executive Committee seven (7) days before the hearing.

The process at the Executive Committee meeting will be to hear first from the member.

- e) The Director of Labour Relations shall be a witness for the Union and present evidence of the decision to not proceed with the grievance to the committee at the hearing. Material that is thought relevant by the Director of Labour Relations could be provided at this time. The grievance file should be available at this meeting. The Executive Director shall act in an advisory capacity to the Executive Committee at the hearing.

- f) A decision shall be made by the Executive Committee on whether to uphold the decision of the Director of Labour Relations. Such decision shall be final and binding on the parties and shall

be communicated to the respective participants in the hearing by registered mail.

The evidence submitted and the decision of the Executive Committee shall be the official record of the proceedings.

The final and binding nature of the Executive Committee's decision is subject to the right of the member or Local to file complaints to the Labour Relations Board under the Saskatchewan Employment Act.

APPROVED