

Re: Grievances, Part II - Problems that aren't grievances

FROM THE "Did You Know?" E-MAIL SERIES PROVIDED BY THE NOVA SCOTIA UNION OF PUBLIC & PRIVATE EMPLOYEES

There are all sorts of problems at work that aren't grievances, but that doesn't mean the union can't help. Here are some of the more common situations that usually aren't grievances:

1. My co-worker isn't doing his work/is always negative/is driving me crazy – The union has to tread carefully with complaints involving two union members. In some cases, a union rep. will give you advice on how to cope with the problem. In others, the union rep. may speak confidentially to your co-worker to try to change the behaviour. Or the union rep. may try to set up a meeting with both of you to try to talk it through before things escalate so far that management gets involved. Of course, if things are so bad that your co-worker's behaviour amounts to harassment, then the union may suggest going to management and/or that a grievance be filed.

2. My co-worker is always late/was drinking on the job/is doing something that is going to get her into trouble – You're not doing your co-worker or yourself any favours if you keep this kind of thing to yourself. If the behaviour doesn't change, sooner or later management will find out and there will be negative repercussions. If you let a union rep. know about this sort of thing, the rep. will contact your co-worker confidentially to try to find out if she needs medical treatment, counselling or just a wake-up call.

3. The employer added or took away some of my duties – In the vast majority of cases, this is something that falls under management rights. Most NSUPE contracts have provisions for making sure you'll get more pay if you're doing the work of a higher classification or that you won't lose any pay if you're doing the work of a lower classification. If you have good reasons for thinking the change is a boneheaded idea that will actually affect how much work gets done or how well it gets done, then the union might be able to lobby the employer to change things back.

4. I received a crummy performance appraisal and I disagree with it – Under many collective agreements, performance appraisals can't be grieved and even where they can be, it is almost impossible to win a grievance. But most NSUPE collective agreements permit you to respond in writing to things on your personnel file. The union can help you write a response that will make sure anyone reading your file will know you disagree with your appraisal and why.

5. My manager wrote a letter criticizing me but he says it isn't discipline – Ah, the dreaded "advice" letter. Unless we can prove the contents of the letter are totally untrue (and therefore amount to an unreasonable exercise of management rights), you usually can't grieve these letters. However, as with performance appraisals, the union can help you to write a response that lets anyone reading your personnel file know your side of the story.

6. The employer changed its policy on something that's not mentioned in the collective agreement (eg. travel expenses/flex time/attendance support) – The union may be able to discuss the change with the supervisors involved or take it to the Labour-Management Committee. If that doesn't work, we can try to address it in the next round of negotiations.

7. The costs of my benefits plan/pension plan went up or the medical plan no longer covers a procedure it used to – The collective agreement will usually set out the cost-share between employees and the employer for these benefits but not always the level of benefits that will be provided. Remember, every time your share of the costs for benefits goes up, so does the employer's, so everyone has an interest in keeping the costs down. In some cases, the union can try to help keep costs down by working with the employer to educate members on health issues. If a majority of members want a particular benefit, then we can talk to the employer about that and make it an issue at negotiations.

As you can see, in many cases the union may not be able to resolve the problem immediately or completely, and sometimes we'll have to wait for bargaining to have another go at it. But the most important thing to remember is that if the union doesn't know about a problem, then it won't be able to do anything at all. So call your union – that's what it's there for.

Our series on grievances isn't over yet. Part III will give you info on how NSUPE deals with grievances.

NOTE: The Did You Know? series is general information only. For advice specific to your workplace or personal circumstances, please contact a union representative. Comments are welcome at nsupe@ns.sympatico.ca. For back issues of Did You Know, look under "News" on the NSUPE website: www.nsupe.ca.