

HOW DOES GRIEVANCE ARBITRATION WORK?

Like most union contracts, the ETT Collective Agreement contains a grievance arbitration process (See Section L-A.7.0. of the ETT Collective Agreement).

The process contains three progressive levels of review - Step A, Step B and Step C.

A GRIEVANCE CAN BE RESOLVED AT ANY OF THESE STEPS.

STEP A

Your Executive Officer will notify the Toronto District School Board (TDSB) in writing that a grievance has been filed on your behalf at Step A. It is then the responsibility of your Executive Officer and the ETT Grievance Coordinator to meet with a senior manager from the Elementary Teaching Office to discuss how your concerns can be satisfactorily addressed. The senior manager will investigate your concerns. If the Board agrees that a breach of the Collective Agreement has occurred, ETT and the TDSB may be able to develop a satisfactory resolution to your concern. If the TDSB does not agree, it will advise ETT by letter within 10 days of the Step A meeting. ETT then has the option of moving the grievance to the next step - Step B - for a possible resolution.

STEP B

The TDSB will be notified in writing if the grievance is going to proceed to Step B. Your Executive Officer and ETT's Grievance Coordinator will present your case to a senior staff member in the TDSB Labour Relations Department. Your grievance at Step B may be resolved or it may be denied. If it is denied, ETT will forward your grievance to the Elementary Teachers' Federation of Ontario (ETFO), and ETFO will determine whether the grievance will proceed to Step C.



STEP C / ARBITRATION

Step C is more commonly referred to as "arbitration". Arbitration can be a lengthy and expensive process. Arbitration involves formal meetings where legal counsel for ETFO and the TDSB present the facts of the case and call witnesses. In an arbitration hearing, witness testimony is subject to cross-examination. The credibility of the facts of the case and the witnesses is weighed by the judge (called "the arbitrator"). Once the hearings are complete, the arbitrator issues a decision which is binding and must be followed by both ETT and TDSB.

WHAT IS A GROUP / POLICY GRIEVANCE?

Sometimes, ETT will file a grievance on behalf of a group of teachers or the entire membership. This is a special kind of grievance that is referred to as either a "group grievance" or a "policy grievance". ETT may file group or policy grievances if it feels that a policy or a practice introduced by the TDSB violates the rights of its members in some way. Because such violations may impact negatively on many ETT members, the timeline to file a group or policy grievance is longer than the timeline for individual grievances. A group grievance or policy grievance does not need to be presented at Step A. Instead it can proceed directly to Step B.

I HAVE A CONCERN I THINK IS A GRIEVANCE. WHAT DO I DO NEXT?

If you have a concern that you think might require a grievance to solve, contact your Executive Officer, who will provide you with confidential advice and options. Under the Collective Agreement, ETT must file grievances with the TDSB within 30 school days

from the date that the concern became known to the teacher. Teachers who think they might want to exercise their option to grieve an issue should contact their Executive Officer right away.

WHY IS FILING GRIEVANCES IMPORTANT?

ETT members have fought long and hard for the rights they currently have in their Collective Agreement. Our contract rights exist to protect us, but they can only do so if they are actively enforced through grievance arbitration. Teachers who show a strong stance with respect to enforcing their Collective Agreement make administrators think twice before violating the contract.

Grievances are also very important during negotiations. One of the more common questions posed by TDSB in negotiations is "Why do you want to change this? Has it been a problem?" A history of filing grievances about a particular issue makes a strong case with the TDSB about the need for changes to the Collective Agreement; a lack of grievances tells the TDSB the issue is not a problem for ETT members and makes contract changes much more difficult.

FAST FACTS ABOUT GRIEVANCES

- On average, ETT members file between 100-200 grievances each year.
- If you feel that a matter of concern has not been resolved satisfactorily at the school level you have the right, as an ETT member, to file a grievance.
- Grievances should be filed within 30 school days a teacher becomes aware of a concern.
- An attempt at informally resolving the concern needs to take place prior to filing a grievance.
- A satisfactory resolution can be achieved for many disputes through the grievance arbitration process.
- Teachers cannot be discriminated against for participating in the grievance arbitration process.



ETT MEMBERS HAVE FOUGHT LONG AND HARD FOR THE RIGHTS THEY CURRENTLY HAVE IN THEIR COLLECTIVE AGREEMENT. OUR CONTRACT RIGHTS EXIST TO PROTECT US, BUT THEY CAN ONLY DO SO IF THEY ARE ACTIVELY ENFORCED THROUGH THE GRIEVANCE ARBITRATION PROCESS.

2014 - 2019 COLLECTIVE AGREEMENT

GENERAL PROVISIONS

L-A.7.1. If a Teacher is unable to resolve by informal discussion with the principal or the appropriate supervisor, any question as to the interpretation, application, administration or alleged violation of this Agreement including any question as to whether a matter is arbitrable, the Union may lodge a grievance on behalf of the Teacher as provided hereinafter.



INITIATING A GRIEVANCE

L-A.7.11 A grievance may be initiated by the Union on behalf of a Teacher by: (a) committing the grievance to writing, and (b) having it delivered to the Board during normal business hours within the next 30 school days following the day the cause for the grievance became known to the Teacher or reasonably ought to have become known to the Teacher.



STEP A

L-A.7.12 (a) The Director or designate shall meet with Union representatives and they shall endeavour to settle the grievance. (b) If the grievance is not settled within 10 school days after the date that the grievance was initiated and the Union wishes to proceed to Step B, the Union on behalf of the Teacher may then proceed with the grievance to Step B. (c) The Union shall inform the Board in writing of the intention to proceed with the grievance to Step B.



STEP B

L-A.7.13 (a) The Union and the Board representatives shall meet to attempt to settle the grievance 40 school days after the grievance was initiated. (b) If the grievance is not settled within 10 school days after the grievance was heard at Step B, which shall be within 50 days of initial filing of the grievance, the Union will notify the Board in writing of its intent to proceed to arbitration.

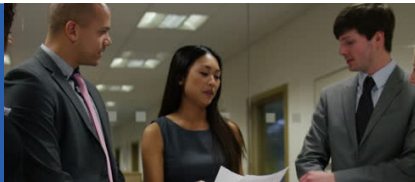
L-A.7.14 The Board or the Union may initiate a policy or group grievance beginning at Step B of the grievance procedure. The Board or Union shall initiate such grievance by giving notice to the other party within 90 school days following the day that the cause for the grievance became known or reasonably ought to have become known to the grieving party.

L-A.7.15 The time within which such grievance may be brought may extend up to 90 days beyond the term of this Agreement if the day the cause became known or reasonably ought to have become known is within 90 school days preceding the end of the term of this agreement.



STEP C - ARBITRATION

L-A.7.16 (a) To proceed to arbitration, the Union shall within 60 school days after the date the grievance was initiated under Step A, give written notice to the Board of its intention to proceed to arbitration together with the name of its appointee to the arbitration board.



ETT MEMBER'S GUIDE TO THE GRIEVANCE ARBITRATION PROCESS

WHAT IS A GRIEVANCE?

From time to time, differences of opinion between employees and employers about a variety of issues happen in the workplace. Disputes that arise from the interpretation, application, administration or possible violation of specific terms of a collective agreement are called "grievances". The process of resolving grievances is called "grievance arbitration".

ISN'T FILING A GRIEVANCE RATHER CONFRONTATIONAL?

On the contrary. Grievance arbitration is an orderly and effective way of interpreting and enforcing collective agreements. Employers appreciate grievance arbitration because differences of opinion are resolved rather than being allowed to fester and negatively impact on staff morale. Unions value grievance arbitration because the process provides a vehicle for protecting members' rights without having resort to labour disruption, work to rule, or strike.

GRIEVANCE ARBITRATION IS AN ORDERLY AND EFFECTIVE WAY OF INTERPRETING AND ENFORCING COLLECTIVE AGREEMENTS.



ETT's Grievance Coordinator is:
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