

Definitions YG Collective agreement

ARTICLE 2: INTERPRETATION AND DEFINITIONS

2.01(1)"Alliance "means the Public Service Alliance of Canada, and includes the Yukon Employees Union (the "Union").

(13) "Grievance" means in accordance with the Yukon Public Service Labour Relations Act, a complaint in writing that an employee, group of employees or the Alliance submits to Management, to be processed through the grievance procedure

(27)"Representative" means an employee who has been elected or appointed as an area Steward or who represents the Union or the Alliance at meetings with management.

Pertinent Articles

ARTICLE 10: APPOINTMENT OF REPRESENTATIVES

10.01 The Employer acknowledges the right of the Alliance to appoint employees as representatives.

10.02 **The Employer and the Alliance shall determine the number of representatives and the jurisdiction of each representative**, having regard to the plan of organization, the distribution of employees at the work place and the administrative structure implied by the grievance procedure covered by this Agreement.

10.03 The Alliance shall provide the Public Service Commission with a list of its accredited representatives and will inform the Commission of any revision of the list that may be made from time-to-time, and the Employer shall provide the Alliance with a list of employees representing the Employer at the various levels of the grievance process

ARTICLE 28: PROCESSING OF GRIEVANCES

(1) An Individual employee, who has a grievance against the application or interpretation of the Collective Agreement, or any other term or condition of employment, can bring forward the grievance, as per Article 28.05 (1) and may be assisted and/or represented by the Alliance at any level. (2) At anytime the Union may bring forward a Policy grievance on behalf of an individual or the Union concerning the interpretation of the Collective Agreement or an arbitral award.

(3) Grievers in a Group Grievance must have the approval of, and be represented by the Alliance. The Union will define the group of employees on whose behalf the grievance has been submitted. It is understood that the Union will not present a series of Individual grievances in preference to defining a group of employees and submitting a Group Grievance.

28.02(1) An employee or group of employees who wish(s) to present a grievance or complaint relating to a provision of the collective agreement or arbitral award shall transmit this grievance through the Alliance.

(2) The grievance administrator shall acknowledge receipt of the grievance by returning the appropriate copies to the grievor and the Alliance as applicable.

28.03 A grievance of an employee or group of employees shall not be deemed to be invalid by reason only of the fact it is not in accordance with the form supplied by the Employer.

28.04 Subject to and as provided in Section 77 of the Yukon Public Service Labour Relations Act, an employee or group of employees who feel(s) that they have been treated unjustly or considers themselves aggrieved by any action or lack of action by the Employer, is entitled to present a grievance in the manner prescribed in Clause 28.02, except that where there is another administrative procedure provided by or under any other Act to deal with their specific complaint, such procedure must be followed.

28.05 Except as otherwise provided in this Agreement, a grievance shall be processed by recourse to the following steps:

(a) Individual Grievance Process for Grievances under 28.01(1) : (a) Level 1 First level of Supervision. A problem-solving meeting in which the individual employee has the right of **representation** from the Alliance, and the supervisor has the right of consultation with the Department Human Resource Office. The Parties acknowledge that front line supervisors and managers may be members of the bargaining unit. Supervisors acting in this capacity are not dealing formally on behalf of the Employer with respect to the administration of the grievance procedure, pursuant to the Yukon Public Service Labour Relations Act, and their involvement does not serve as the basis for the Employer to seek exclusion of those positions from the bargaining unit. When an individual employee has requested a meeting in relation to a grievance at Level 1 such problem-solving shall be held within twenty (20) working days of the Employer's receipt of the grievance. If the matter is not resolved at Level 1 it may be referred to Level 2 within five (5) working days.

(b) Level 2 – First level of Management A problem-solving meeting in which the individual employee **has the right of representation from the Alliance**, and the manager has the right of consultation from the Department Human Resource Office or the Labour Relations Branch of the Public Service Commission. The Employer shall normally reply to an individual employee's grievance at Level 2 of the grievance procedure, within ten (10) working days after the grievance is referred. If the matter is not resolved at Level 2 it may be referred to the Final Level within five (5) working days. When the first level supervisor is also the first level of management, a Level 2 problem solving meeting may be held at the next level of management rather than referring the matter directly to the Final Level, **by agreement between the Employer and Alliance**.

(c) Final Level – Deputy Minister
A meeting that shall be held within ten (10) working days of the grievance being referred, at which the Deputy Minister has the right of consultation with the Labour Relations Branch or the Department Human Resource Office, and in which they shall hear the individual employee, who has the right of **representation from the Alliance**. The Deputy Minister shall provide their written reasoned decision, within ten (10) working days of the meeting.

Policy Grievance Process for Grievances under 28.01(2):

Policy grievances shall be presented by the Alliance in the first instance to the Public Service Commission for investigation not later than sixty calendar (60) days after the date on which the Alliance was notified orally or in writing or on which it first becomes aware of the action or circumstances giving rise to the grievance. Any such grievances not resolved in that investigation shall be heard at a meeting with the Public Service Commissioner within a further 60 calendar days of the presentation of the grievance for investigation. When the Public Service Commissioner has heard such a grievance, they shall provide their written reasoned decision within 20 working days.

Group Grievance Process for Grievances under 28.01 (3):

(a) Level 1 –First Level of Management A problem-solving meeting in which the group of employees shall be represented by the Alliance and in which the manager may be advised by the Departmental Human Resource Office or the Labour Relations Branch. When a group of employees has requested a meeting in relation to a grievance at Level 1, the problem-solving meeting shall be held within twenty (20) working days of the Employer's receipt of the grievance. If the matter is not resolved at the Initial Level it may be referred to the Final Level within five (5) working days.

(b)Final Level –Deputy Minister A meeting that shall be held within ten (10) days of the grievance being referred and at which the group of employees shall be represented by the Alliance and at which the Deputy Minister may be advised by the Labour Relations Branch or Departmental Human Resources. The Deputy Minister shall provide their written reasoned decision within ten (10) days.

28.06 (1) Discussions and resolutions shall not be considered precedent setting to the Collective Agreement or the grievance process.

(2) There shall be full disclosure by the Parties of all facts and considerations pertinent to the grievance at each and every level of the grievance processes.

(3) If a grievance concerns the application of the Collective Agreement, the employee **must be represented by the Alliance**.

Where the Alliance acts as the representative, they shall have the right to consult with the Employer with respect to a grievance at each or any level of the grievance procedure. And, the Public Service Commission, Labour Relations Branch shall have the right to consult with the Alliance with respect to a grievance at each or any level of the grievance procedure