Grievance Handling

Developing techniques and processes to strategically prevent and manage grievances
Why Choose Queen’s IRC?

Queen’s IRC focuses on developing and delivering human resources (HR), labour relations, (LR) and organizational development (OD) programs for busy practitioners.

- 85 years of evidence-based and practitioner-focused training
- In-person, virtual and custom programs available
- Coaching from industry leaders with real-world experience
- Certificate-based programs in HR, LR and OD
- Practical simulations and tools that apply to your work environment
The number of outstanding grievances is one of the most telling indicators of the state of labour relations in a unionized environment. Considering legal costs, damage to labour-management relationships and reduced productivity, grievances can also be very expensive for both employers and unions. Like taxes, grievances are a part of the unionized workplace but many can be avoided and strategic practitioners can play a role in reducing their frequency. There are measures that can be taken before grievances are launched. There are steps that you can take during the grievance procedure, during mediation and in advance of the arbitration process to lessen the impact on employees, the union, and the organization. That’s where this program comes in.

Grievance Handling is a thoughtful approach to labour relations. It involves identifying workplace-wide issues or problems, then analyzing the way in which proactive individual grievance management can address those issues. A long-term goal can then be developed for solving the systemic issues. You will come away from this program with the big-picture perspective, as well as some skills that you can use back at work to confidently handle all steps in the grievance process.

### Learning Objectives

- Diagnose when and how conflict escalates
- Understand the context, purpose and details of a grievance
- Consider your options both before and when a grievance is filed
- Prepare for and take control of the grievance meeting
- Deploy your skills more effectively during the grievance process
- Strategically consider options for resolution such as mediation, arbitration or med-arb
- Conduct a grievance analysis before a round of collective bargaining
- Understand how strategy can feed a positive relationship cycle

### Organizational Benefits

- Better understanding of the risks and opportunities of the grievance process
- Enhanced in-house capacity to handle grievances
- Reduced time and legal costs spent on arbitration
- Poised and well-grounded responses to changing labour laws and legal issues
- Clear and supportable positions going into collective bargaining

### Takeaway Tools

- Five-Stage Conflict Escalation Model
- Grievance Preparation Checklist
- Understanding the grievance process versus other complaint processes
- Insights into planning personal or workplace strategies for prevention of grievances
Tour of the Program

a) The Rules of the Road
Much of the grievance process is grounded in law, so that’s where we start. In no time, you'll gain an understanding of the basic legal foundation as well as these topics:

■ What is a grievance?
■ How is it linked to collective bargaining?
■ What are the typical boundaries and scope of a grievance?
■ Which sorts of outcomes are predictable?
■ When can a grievance be reviewed?

b) Conflict Escalation and Containment
There’s both art and science involved in recognizing, assessing, and preventing conflict from escalating into a formal grievance. Learn to identify the stages in conflict escalation and acquire the techniques for controlling conflict. Come away with a practical five-stage conflict escalation model with immediate practical benefits for reducing workplace "temperature." Best of all, test your understanding of this tool in a scripted scenario and, in a safe workshop setting, discuss methods of intervention.

c) Case Studies: Learning From Decisions
Working in small groups you’ll compare your judgment using real-life cases against actual decisions made by arbitrators, and utilize these decisions to start developing your own strategic insights. You’ll hear from participants about their workplace issues and work in table groups to re-think approaches to current or pending grievance scenarios.

Hear the story about how an "ordinary" grievance process contributed to a workplace tragedy.

■ What creative solutions were developed to work through these situations?
■ What was learned?
■ How has legislation and workplace policies changed?
■ How can each of us translate these lessons into practical applications in our own workplaces?

d) How to be a Strong Advocate
The basis of effective grievance handling consists of thorough preparation and solid advocacy, communication, and negotiating skills. In this session you'll learn:

■ How to prepare for grievance meetings
■ The benefits of information sharing
■ How to apply strategic analysis of grievances for early resolution
■ How to negotiate at grievance meetings
Join the session leader in discussions on key issues and questions that inevitably arise:

- What information should or should not be revealed at early stages?
- What should the grieving party or supervisor say and do in grievance meetings?
- Which types of negotiating strategies can be employed during grievance meetings?
- What is the best way to communicate for maximum impact?

**e) Following the Mediation and Arbitration Routes**

Grievance mediation and arbitration each demand a specific skill-set and understanding. Learn — and practice through simulations — the difference between the two in role plays. You are asked to take on a role and, guided by confidential information, play out a scenario that will be resolved through both the mediation and arbitration process. Get on-the-spot coaching along the way.

- What are the strengths and weaknesses of grievance mediation and arbitration?
- When would you choose either process?
- When would you make a process shift, and move from one process to the other?
- How should you make that shift?

**f) Feeding the Collective Agreement**

Strategic grievance handling inevitably translates into strategic labour relations. In this closing session, we make the connection to not only the workplace dynamics but to the all-important bargaining relationship and review the processes that nurture these relationships.

- What are the best practices in tracking grievances, and how does your handling of them impact the bargaining process?
- Why do we choose to go to arbitration and how can we improve the process when negotiating collective agreements?
- What are the economic realities of grievance mediation or arbitration?
Facilitators and Speakers

Deborah Cooper (Lead Facilitator)

Deborah Cooper is currently the Executive Director of a federal union representing public service employees in multiple bargaining units across Canada, as well as being a facilitator and coach at Queen’s IRC since 2013. She has been involved in all aspects of labour relations from the internal grievance process to adjudication, having appeared before numerous tribunals and courts. With respect to collective bargaining, she has bargained in various sectors including the federal public service, the private sector, and the non-profit environment.

Prior to this role, Deborah worked in private practice as an employment and labour lawyer until 2005, moving over to work in-house at two different federal bargaining agents in 2005 and 2009. From 2012-2013, she then worked on the employer side as a Director in the Labour Relations and Compensation Division of a large federal department. In 2013, she was appointed as General Secretary of the National Joint Council (NJC) of the Public Service of Canada. She was a union-side appointee to the position, having held the post from May 2013 – June 2018. Among other things, the NJC also manages numerous directives agreed to by the parties, and incorporated into their collective agreements, on items ranging from travel and relocation to the health care plan and the long-term disability plan.

After her tenure at the NJC, she worked at a large federal union as General Counsel and then from August 2019 until April 2022, she represented workers in the federally-regulated aviation industry as Director of Labour Relations and General Counsel.

Deborah also lived and worked in various roles overseas in Paris, France for several years, including at the Canadian Embassy. She holds an Honours Bachelor Degree from the University of Ottawa, a Law Degree from the University of Western Ontario, as well as the Certificate in Labour Relations and Certificate in Advanced Human Resources from Queen’s University IRC. She has been a member of the Law Society of Ontario for over 25 years.

Kenda Murphy (Lead Facilitator)

Kenda Murphy’s legal career has involved work in the public sector, para-public sector and private sector. Kenda has represented employer clients in collective bargaining negotiations and labour arbitrations while also providing day to day human resources and labour relations advice. Conducting workplace and institutional investigations in both large and small organizations, Kenda has enquired into a wide range of issues including Human Rights Code based harassment and discrimination; workplace harassment; sexual violence and sexual harassment; poisoned work environment; and ethics or codes of conduct breaches.

Kenda’s practice background affords her the unique opportunity to bring multilayered understanding to complex workplace interactions and incidents of conflict that arise within those interactions.

Kenda is the accredited creator of the testbank questions and powerpoint slide decks for Fiona McQuarrie’s Industrial Relations in Canada, 2nd, 3rd and 4th editions.

The roster of facilitators and speakers may change. We will do our best to keep you informed of program changes.