



# he GAVEL

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**The GAVEL**, a platform for sharing information on labour and employment issues affecting our workplaces.

**“Knowledge is more than equivalent to force” – Samuel Johnson.**

## Informal Grievance Process

The collective agreement contains the formal grievance process. Most agreements begin with an informal process where a member may meet with their supervisor/manager and their union representative to discuss the issue and attempt to resolve it prior to filing a grievance.

Bringing a grievance forward may be the first reaction, however, in some situations, informal discussions can achieve a resolution. Members may feel anxious about raising a formal grievance or complaint. They may be concerned about the reaction they could receive from the manager or how it will affect their job security. Raising issues at the informal stage reduces some of that stress.

*... continued on page 2*



## Terminology

### Just Cause

Is a burden of proof or standard that an employer must meet to justify discipline or discharge.

### Due Process

Is a provision commonly negotiated into a collective bargaining agreement.

### Past Practice

Is any longstanding, frequent practice that is accepted and known by both union and company. Legitimate past practices form part of the collective agreement; therefore, grievances can be filed if violated.

### Precedent

A prior decision of an arbitrator, labour board, and other tribunal or court. The decision can be used to resolve similar disputes in the future.



## Advantages of dealing with complaints informally :

- » **Resolution** : issues can be resolved in a mutually agreeable manner.
- » **Speed** : matters can be resolved promptly when all information is provided to the parties (Company and Union).
- » **Healthier Workplace** : resolutions can lead to increased workplace satisfaction when all parties have participated in the solution. It promotes a healthier work environment based on openness and trust.

## What are the drawbacks :

- » **Complex complaints** : When the issue is of a serious nature there can be wide-reaching implications and dealing with it informally will not work.
- » **Protection of the formal process** : there could be potential litigation that ensues, dependant on how the issue is handled.

## Tick Tock, goes the Company Clock! Time Theft

**Time theft: What is it?** Time theft in the workplace is a fraudulent act. This occurs when an employee accepts payment from their employer for work they have not done, or for time they have not worked. Members should be conscious of these types of time theft as members have been terminated for such violations.



## The following are types of time theft in the workplace :

### Time Card Theft :

This can occur if an employee does not show up for their scheduled shift at work but has their friend/colleague punch them in and out for them that day, this would be considered time card fraud.

*... continued on page 3*



**Parking Off-Site / Locations where you Punch In/Out :**

Punching in for your shift and then parking your car regardless of how early you arrive for your scheduled work shift, has been established in arbitration as time theft. If you punch in you are expected to remain in the workplace and be ready to work.

**Overextended Breaks :**

This involves taking longer or more frequent breaks than authorized.

**Excessive Personal Time :**

Taking personal calls to deal with personal and home situations, or spend time checking and sending emails that are not work-related. Another form of time theft is internet time theft, employees who use technology for non-work-related purposes.

**Dead-Air on a Phone Call :**

Members working in Call Centres who keep a phone line open when there is no customer on the other end to assist, is another form of time theft.



**Where we will delve into arbitration cases,  
decisions and other workplace issues.**

**We welcome your feedback, please email [grievances@unifor2002.org](mailto:grievances@unifor2002.org)**

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