

Member Services and Grievance Committee

Terms of Reference

Revised: 7 September 2017

The members of the Member Services and Grievance Committee are bound by the terms of the UBC Faculty Association Constitution and Bylaws. These additional terms of reference have been approved by the Executive Committee on September 7, 2017 and should be reviewed in five years, unless otherwise needed.

Mandate

There shall be a UBC Faculty Association Member Services and Grievance Committee which will be a standing committee of the UBC Faculty Association Executive Committee. The Faculty Association's Member Services and Grievance Committee is responsible for overseeing the processing and resolution of complaints and grievances, and recommending for or against arbitration proceedings. The Committee reports to the Executive Committee and carries out its activities subject to the approval of the Executive Committee.

Chair of the Committee

The Chair of the Committee will be elected for a two-year term, beginning July 1st following the election. The duties of the Chair shall include issuing notices of meetings; chairing all meetings of the Committee; coordinating orientations, resources, materials and training for members of the Committee; and reporting on the activities of the Committee to the Executive Committee in monthly and annual reports as well as in contributions to planning retreats. The Chair reviews and signs all correspondence relating to grievances and arbitrations, with bcc to the Association President. Normally the Chair shall endeavour to attend arbitration hearings.

Members of the Committee

At the beginning of each year, the Chair shall make a public call for volunteers to serve on the Committee and shall provide all new members with an orientation to the Committee, its role and its legal obligations. The list of proposed committee members will be approved by the Executive Committee. Composed of members of various ranks and units, the Member Services and Grievance Committee is not a steward's Committee in the traditional sense but a mechanism for oversight, working closely with Association staff to provide advice and support. The Association President shall be an ex-officio member of the Committee.

Terms of Office

Members will normally serve for one year, renewable. The Committee shall endeavour to have no fewer than seven voting members.

Scope of Duties

- participate in training sessions
- consider serious complaints and possible grievances and make recommendations (including on potential remedies)
- track current trends and patterns
- review appeals, settlement offers and legal decisions
- provide expertise, local contexts and current practices for issues which arise
- research current practices as necessary



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Conflict of Interest

A conflict of interest is any situation in which there are interests which would be likely to affect, or may reasonably be seen to affect, the impartiality or judgment of a committee member on a matter involving a member or group of members. Committee members shall be conscious of and sensitive to the issues of conflict of interest and apprehension of bias. A Committee member who perceives an issue of possible conflict of interest or apprehension of bias on their own part, or on the part of another member, whether it arises from a personal involvement or through a conflict of commitment, shall raise it. The matter shall be discussed and then resolved by the remaining members of the Committee who may direct the member to be absent from discussion, impose specified limitation on the member's involvement, or conclude that no action needs to be taken.

Reporting & Confidentiality

Member-specific cases brought before the Member Services and Grievance Committee are treated in confidence, though some disclosure may be required in the case of formal grievance and arbitration. The details of cases are reported only to the Member Services and Grievance Committee, and shared with the Executive Committee only in the event of an appeal to that body or a recommendation to proceed to arbitration. In all other instances, members of the Executive Committee receive information on the general dispute and settlement only.

- i. For policy grievances (which may be initiated by the Executive Committee or the Member Services and Grievance Committee), the Member Services and Grievance Committee will normally then fulfill its usual oversight and processing roles, but reporting may be more extensive.

Duty of Fair Representation

A union recognized under the Labour Code, such as the Faculty Association, is legally acknowledged as the exclusive bargaining agent for all members of the bargaining unit. It has the authority to negotiate and enforce a Collective Agreement and to take cases to grievance and/ or arbitration where it believes the employer is violating the Collective Agreement or any law or case law. Unions have significant discretion when dealing with grievances, and may pursue, settle or drop grievances even over the objection of the affected member(s). This authority, however, brings with a legal responsibility. The Duty of Fair Representation (outlined in Section 12 of the BC Labour Relations Code) requires unions to act fairly and in good faith to represent all members of the bargaining unit on matters covered by the Collective Agreement. Unions may not act arbitrarily or discriminatorily when processing grievances, and members or former members may file complaints to the Labour Relations Board if they believe a union has not adequately met this test.