



LOCAL OFFICER HANDBOOK

KEEPING CANADIANS SAFE
usje-sesj.com

For the latest version of this handbook:

www.usje-sesj.com/local-officer-handbook

USJE contact information:

National Executive
www.usje-sesj.com/national-executive-contacts

Local Executives
www.usje-sesj.com/local-executive-contacts

National Staff contact information
please see inside back cover.

USJE website
www.usje-sesj.com

National office telephone number
1-613-560-5554

Date of issue: October 2021





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Red-rimmed glasses

PSAC Ontario
Public Service Alliance of Ontario
Employee ID: 123456789
Employee Name: [Redacted]

elect on

PSAC Ontario
Public Service Alliance of Ontario

1

WELCOME

Congratulations! You've been elected to a position as a Local Officer. Thank you for committing to this vital role in representing the interests of your members.

You are now part of the team at the Union of Safety and Justice Employees (USJE) and at the Public Service Alliance of Canada (PSAC).

As you may know, USJE represents over 16,000 federal public service employees who work to keep Canadians safe every day. USJE assists our members with the day-to-day issues they have on the front lines. For more information about USJE, please see page 87.

Every member of USJE is also a member of the Public Service Alliance of Canada (PSAC). PSAC is one of Canada's largest unions and the bargaining agent for more than 200,000 public sector employees – including USJE members. For more information about PSAC, please see page 93.

As a trusted Union representative, members will count on you for help, information and engagement on Union issues. If you require support, USJE and PSAC are here to help. Please see page 71 for the support available to Local Presidents and Officers.

Thank you for taking on this important role. Your leadership will help your workplace become a safer and healthier place for all.



2

FIRST STEPS

2A. UPDATE YOUR PERSONAL INFORMATION

Make sure to submit a completed Representative Information Form – even if you’ve been re-elected to another term in the same role.

After being elected, or re-elected, to office you must complete a Representative Information Form. Please complete this form online at: www.usje-sesj.com/forms/representative-information-form.

This form tells National Office of your election and your term of office. If you were elected at your Annual General Membership Meeting (AGM), or appointed mid-term, the dates of your term are listed in your Local bylaws.

Submitting your Representative Information form enables National Office to easily refer members to you. It also allows you to receive all key emails, including about training opportunities, and invitations to USJE conferences and events.

Always provide a personal email address – not your work email address – to your Union.

Your work email is on your employer’s server and subject to the *Access to Information and Privacy Act* (ATIP). This gives your employer and others the right to access any emails (including union emails) sent to your work.

Make sure all members provide the Union with their home email address.

The personal number and email address Local Presidents provide to USJE National Office will be posted publicly on the USJE website.

If you do not want your email address or phone number posted on the USJE website, you must notify the Information Management Team at USJE National Office in writing at USJEmembers_membresSESJ@psac-afpc.com.

RESOURCES

Representative Information Form

www.usje-sesj.com/forms/representative-information-form

Local bylaws – If your Local does not have a copy of its Local bylaws, your Local President can contact the National Office Finance and Administration Team at USJEfinanceSESJ@psac-afpc.com.

2B. REVIEW YOUR BYLAWS, REGULATIONS, POLICIES AND GUIDELINES

Local bylaws

After updating your personal information with USJE National Office, your next task is to review your Local bylaws. Each USJE Local sets its own bylaws, which guide the running of their Local.

If your Local does not have a copy of its Local bylaws, your Local President can contact the National Office Finance and Administration Team at USJEfinanceSESJ@psac-afpc.com to request one.

To change Local bylaws, Locals must follow USJE procedures. The rules on changing Local bylaws are the same rules as for changing Local dues (please see page 20).

It is important to submit any Local bylaw updates to USJE National Office at USJEfinanceSESJ@psac-afpc.com.

Your monthly Local dues rebates may be held back if an updated copy of your bylaws is not provided to National Office.

Best practice: Bring a copy of your bylaws to Local meetings. This will ensure the smooth running of your Local and help avoid misunderstandings with your membership.

RESOURCE

Local bylaws – If your Local does not have a copy of its Local bylaws, your Local President can contact the National Office Finance and Administration Team at USJEfinanceSESJ@psac-afpc.com.

USJE Bylaws, Regulations, Policies and Guidelines

USJE Bylaws and Regulations together form USJE’s de facto national constitution and are a guarantee of continued membership control and authority over USJE. They provide guidance to our national Union on all aspects of running our Union, including membership rights, duties of national officers, collective bargaining and finances. Amendments to these bylaws must be passed by delegates to the USJE National Triennial Convention.

Key sections of the Bylaws for Local Officers include:

- Bylaw 5 (Section 2), which sets minimum Local union dues at \$2 per member per month;
- Bylaw 7 (Locals), which covers a range of issues from a Local’s authority to represent to Local signing officer requirements; and
- Regulation 8, which outlines compensation of costs for official USJE representatives while on authorized USJE business.

USJE Policies and Guidelines include details on claiming USJE expenses, among other policies and processes.

RESOURCE

USJE Bylaws, Regulations, and Policies and Guidelines

www.usje-sesj.com/bylaws-and-regulations



3

WHAT YOU NEED TO KNOW

3A. LOCAL OFFICER RESPONSIBILITIES

It's important to know the responsibilities of all the Local Officers. As an elected or appointed official, you may be required to take on the added responsibilities of a vacant role until it is filled. Responsibilities can vary among Locals, depending on Local bylaws and practices.

All the offices below form the Local Executive, except for Shop Stewards, who may or may not be part of your Local Executive, depending on your Local bylaws.

President

- Chief Executive Officer of your Local. Coordinates all Local work done by Officers and Local committees
- Chair of membership meetings and Local Executive meetings.
- Decides on all questions of procedure as set out in the PSAC Rules of Order or, when not covered by PSAC Rules of Order, by Bourinot's Rules of Order. For more information on running meetings, please see pages 26-33.
- Ex officio (automatically, by right of office) member of all Local committees
- Chief spokesperson of the Local in its dealings with management

Vice-President(s)

- Assumes the duties of the President when they are absent or have resigned
- Conducts meetings on behalf of the President or assumes the chair when the President leaves the chair for any reason during a meeting
- Please note: In Locals with more than one VP, Local bylaws outline duties for each VP.

Secretary*

- Responsible for the administrative duties of the Local
- Records minutes of all membership and Local Executive meetings
- Handles the Local's communications
- Works closely with the President on all Local matters
- Maintains Local records

Treasurer*

- Accountable to the Local Executive for all finances, receivable and payable
- Prepares and submits financial reports for each Local Executive and membership meeting
- Responsible for submitting annual financial statements by March 31 to National Office. For more information on financial requirements, please see page 24.
- Collects and deposits Local funds
- Reviews the "Source 2 - Local Membership Listing" and alerts the Local to Rand members (those paying dues but who are not official members) so they can be signed up for full membership. For more information on Rand members, please see page 38.

Chief Shop Steward

(Some Locals have this position, some do not.)

- Recruits Stewards, organizes and chairs the Stewards' Committee and Network
- Sets up and maintains a communication system for Stewards
- Advises Stewards, and provides guidance and support in specific technical areas
- Works closely with Stewards, Executive Officers and committees

Shop Steward(s)

(This position is sometimes included on the Local Executive and sometimes it is not. Please refer to your Local bylaws for more information.)

- Assists and represents members during the grievance process. For more information on the grievance process, please see page 45.
- Deals with harassment complaints
- Helps sign up new members

*The roles of Secretary and Treasurer are combined in some Locals.

3B. UNION DUES

Who pays dues?

All employees covered by a collective agreement negotiated by PSAC must pay union dues. If an employee has not signed a PSAC Application for Membership form to become a member in good standing, they are a Rand member. Rand members do not receive the full benefits that members in good standing receive.

The Rand Formula ensures that all workers, whether union members or not, share in the cost of the Union since they benefit from a union-negotiated contract. Please see page 38 for more information on Rand employees.

It is only when a member signs their PSAC Application for Membership form that they become eligible for the full benefits of union membership.

RESOURCES

PSAC Application for Membership form (paper)

included with USJE Member Handbooks and Postcards, and separately. All are available by contacting USJEmembers_membresSESJ@psac-afpc.com.

PSAC Application for Membership form (online)

www.psaunion.ca/rand



Benefits of paying dues

Union dues support a wide range of services and benefits for all employees who pay them, including:

- Collective bargaining, which determines members':
 - Wages
 - Holidays
 - Working conditions
 - Rights
 - Sick leave
 - Maternity leave
 - Other benefits
- Workplace representation, including grievance and adjudication handling
- Communication of workplace issues to management, members, and the public
- Resolution of national workplace issues through meetings between national union and national employer representatives
- Ongoing advocacy with federal decision-makers to advance policies that respond to the needs of our members

There are additional benefits for members in good standing (members who have signed membership application forms). These members receive:

- The option of applying for USJE and PSAC Scholarships for themselves and/or their family members
- Strike Pay
- The right to attend and vote at union meetings and in union elections
- Union training on such issues as harassment, and health and safety issues
- Member events
- Discounts on a variety of services and products
- The right to hold office at all levels of the organization

Please see the USJE Member Handbook for more details on the benefits of paying union dues.

RESOURCE

USJE Member Handbook (online) – For more details on the benefits of paying union dues, please see the USJE Member Handbook, pages 9-17. www.usje-sesj.com/member-handbook

How your Local gets its dues

Your members' dues are made up of three parts:

- PSAC dues
- USJE National dues (also called Component dues)
- Local dues

The Treasury Board deducts the total dues from your Local members' pay cheques biweekly and forwards these dues to PSAC monthly. PSAC takes its portion of the dues and sends the balance to USJE National Office. USJE National in turn takes its portion of the dues and sends Locals their portion.

Locals in good standing receive their portion of members' dues monthly.

Calculation of dues

There are three portions to the calculation of the total dues paid by members. For current dues levels, please refer to your most recent "Source 2 - Local Membership Listing" (please see page 23). This is sent monthly to your Local Treasurer by USJE National Office. If your Local needs a copy of this document, please contact USJEmembers_membresSESJ@psac-afpc.com.

PSAC dues

- PSAC dues are set in the three-year budget approved by delegates to the PSAC National Triennial Convention.
- Dues are always calculated at the lowest increment of the pay band in the most recent Collective Agreement even if a member's pay is at a higher increment.
- PSAC dues include a Strike Fund that supports members in good standing who must go on strike. The Strike Fund deduction increases if the national Strike Fund goes below \$25 million.

USJE National dues

- USJE dues are set in the three-year budget approved by delegates to the USJE National Triennial Convention.
- Dues are always calculated at the lowest increment of the pay band in the most recent Collective Agreement even if a member's pay is at a higher increment.

Local dues

- Local dues are set by the Local, and members vote on them at their Annual General Membership Meeting (AGM). Please see below for the procedure to change your Local dues.
- USJE Bylaw 5, Section 2 sets minimum Local union dues at \$2 per member per month.
- Each Local decides and votes on what dues its members will pay based on the cost of services it provides, including training opportunities, scholarships and member events. The Local may also put a portion of the Local dues in a Local Strike Fund account.

Dues are not applied against overtime, bonuses or retroactive pay.

RESOURCES

“Source 2 – Local Membership Listing” – For a copy of your “Source 2 – Local Membership Listing”, please contact:
USJEmembers_membresSESJ@psac-afpc.com

PSAC dues – For more information on PSAC union dues:
www.psaunion.ca/about-your-union-dues

USJE dues – For more information on USJE union dues, please see the Union Dues section in the Local Officer Toolbox.
www.usje-sesj.com/local-officer-toolbox/locals.

Bylaw 5, Section 2 – USJE Bylaws – For more information on minimum Local union dues, please see:
www.usje-sesj.com/bylaws-and-regulations/usje-bylaws.

Changing Local dues

Locals must follow USJE procedures if they want to change their Local dues.

Prior to implementing a Local dues change, the USJE National President will review the proposed change to ensure that the proper process has been followed.

The procedures for changing Local dues are as follows:

- Any general membership meeting of a Local held for the purpose of changing the amount of dues shall be required to post notice (including date, time and location) of such a meeting at least 15 days in advance (USJE Bylaw 7, Section 6). This notice should be posted on bulletin boards and in other places that are easily accessible to the membership. It is also good practice to send this notice by email to members.
- Any change in dues, which has been approved by a vote of the Local, shall be communicated in writing to the National USJE Director of Finance and Administration. Such a request shall be accompanied by:
 1. a copy of the meeting notice to the membership and date of posting;
 2. a copy of the motion that was adopted at the meeting; and
 3. meeting minutes of motion and vote - which includes proof that the majority in attendance at the meeting voted in favour of the motion.

RESOURCE

USJE Bylaw 7, Section 6

www.usje-sesj.com/bylaws-and-regulations/usje-bylaws

If dues are not deducted properly

If a member is not having the correct amount of dues deducted from their pay cheque they will need to submit a Pay Action Request (PAR) form to the Pay Centre. Unfortunately, PSAC and USJE are unable to help in these instances until a PAR has been submitted.

RESOURCE

Pay Action Request (PAR) form

www.tpsgc-pwpsc.gc.ca/remuneration-compensation/services-pay-centre-pay-services/pay-centre-pay/demande-employee-request-eng.html

Union
1-800-387-2222

Accommodation
It's a Right!
1-800-387-2222

PROGRAMME D'AIDE AUX EMPLOYES
For information or
assistance call
1-800-268-7708
or **1-800-567-5803**
www.hstincanada.gc.ca/hst
www.sarbcanada.gc.ca/hst

FIX PHOENIX PAY SYSTEM
What PSAC is doing for
you



**WE EXPECT
BETTER**



**MAKE IT
RIGHT**



**I SUPPORT MY
BARGAINING
TEAM**



4

WHAT YOU NEED TO DO

4A. KEEP YOUR MEMBERSHIP LIST UP TO DATE

It is up to each Local to keep their Local membership list up to date. This list is used to calculate your Local's dues rebates and the number of delegates your Local is eligible to send to USJE National conferences and events, so it is very important to keep it updated. Usually, the Treasurer or the Secretary/Treasurer manages this function.

The National Office Information Management Team sends your "Source 2 - Local Membership Listing" each month to your Local President, Treasurer and your RVP. It is sent from our National Office membership email address USJEmembers_membresSESJ@psac-afpc.com.

Review your Local membership list as soon as you receive it and advise National Office at USJEmembers_membresSESJ@psac-afpc.com of any changes, including:

- Members who have transferred to other Locals
- Members missing from your list
- Rand conversions - For more on Rand members, please see page 38.

Encourage your Local members to keep their membership information up to date in their online PSAC profile. Members can create or log into their PSAC account on the PSAC website.

Remind members to always provide their home email addresses to their Union.

RESOURCES

“Source 2 – Local Membership Listing” – For a copy of your “Source 2 – Local Membership Listing”, please contact:
USJEmembers_membresSESJ@psac-afpc.com

PSAC profile – Create, update or log into your PSAC account
www.pfacunion.ca/user.

4B. MANAGE YOUR FINANCES

The Local President and Treasurer are primarily responsible for their Local’s financial management. However, there may be periods when these roles are not filled, so it’s a good idea for all Local Officers to be aware of their Local’s financial obligations.

Local financial package

March 31st is the deadline to submit your Local financial package to USJE National Office.

Your Local financial package must be received by USJE National Office at USJEfinanceSESJ@psac-afpc.com by March 31 of each year and cover the previous calendar year – January 1 to December 31. Your Local bylaws must also be reviewed by the Local Executive and a copy of these bylaws need to be included in your financial package.

For more information on preparing your Local financial package, including a webinar on filling out the Treasurer’s Template, please see the Local Finances section of our website.

Send your financial package and any questions you might have to the National Office Finance and Administration Team at USJEfinanceSESJ@psac-afpc.com.

If your Local misses the March 31st deadline, member dues rebates can be held back until your financial package is received. If a Local fails to submit a financial package for three years in a row or more, National Office may place the member dues rebates in unrestricted funds for USJE use.

Complete the Treasurer’s Template every month to keep your Local running smoothly.

RESOURCES

Webinar on completing the Treasurer's Template
www.youtube.com/watch?v=sM7_NkqiflE&feature=emb_logo

Treasurer's Template - see the USJE Local Finances section to download the Treasurer's Template at
www.usje-sesj.com/local-finances/

Local Finances section - USJE website
www.usje-sesj.com/local-finances/

National Office Finance and Administration Team - Please send your financial package and any questions you might have to:
USJEfinanceSESJ@psac-afpc.com

Local Treasurer's Handbook

To learn more about what is required of your Local, read the USJE-PSAC Local Treasurers' Handbook.

If you have any questions regarding your Local's finances, please contact the National Office Finance and Administration Team at USJEfinanceSESJ@psac-afpc.com.

RESOURCE

USJE-PSAC Local Treasurers' Handbook - see the USJE Local Finances section to download the Local Treasurer's Handbook.
www.usje-sesj.com/local-finances

Salary replacement and honorariums

All salary replacements and honorariums must be paid by National Office, not by Locals, and will be billed back to the Local. The Treasurer is required to submit a General Expense Claim form with any salary replacement or honorarium expenses for reimbursement to National Office at USJEfinanceSESJ@psac-afpc.com.

RESOURCE

General Expense Claim form
www.usje-sesj.com/forms

4C. HOLD AGMS AND ELECTIONS

Annual General Membership Meeting (AGM)

Your Local is required to hold an Annual General Membership Meeting (AGM) with its members, in accordance with USJE Bylaws. The notice for the AGM, including time, date and location, must be posted at least 15 days before the meeting.

USJE has created a Notice of Annual General Meeting Template for Locals to use.

At the AGM, your Local will present its annual reports and conduct union business.

The election of Local Officers usually takes place at the AGM. However, an election can take place whenever a position becomes vacant during a term.

Follow the election rules set out in your Local bylaws first, followed by USJE Bylaw 9 for anything not covered in your Local bylaws.

RESOURCES

Notice of Annual General Meeting Template

www.usje-sesj.com/wp-content/uploads/2021/08/Notice-of-AGM-with-Agenda_EN.docx

Local bylaws - If your Local does not have a copy of its Local bylaws, your Local President can contact National Office Finance and Administration Team at USJEfinanceSESJ@psac-afpc.com.

USJE Bylaw 9

www.usje-sesj.com/bylaws-and-regulations/usje-bylaws



Local positions

Each Local has the following positions (which may or may not all be filled at any one time):

- President
- Vice-President(s)
- Secretary*
- Treasurer*
- Chief Shop Steward (position exists in some Locals)
- Shop Steward(s) (position may be elected or appointed as per Local bylaws)

*In some locals, the roles of Secretary and Treasurer are combined. For a list of responsibilities for each position, please see page 15.

Local election process

Your Local bylaws outline your Local's election procedures and set the terms of office.

Some general procedures for holding Local elections:

- Elections are held by secret ballot.
- An Elections Chair takes over the AGM to run the Local election. They should be one of the following: a member who is not seeking an elected position in your Local, your Regional Vice-President (RVP), your PSAC Regional Executive Vice-President (REVP) or a USJE National Office staff member.
- Nominations for candidates are accepted before or at the meeting, and must have a nominator and seconder.
- Candidates in contested positions have an opportunity to speak at the meeting.
- If only one candidate is nominated for a position, the candidate is elected by acclamation.
- Winning candidates must receive a clear majority of votes. If a first ballot yields no clear majority, the candidate with the fewest votes is dropped off the ballot and another round of balloting is held.
- All elected USJE Local Officers take office at the end of the meeting, after taking the Oath of Office (please see page 28), as per USJE Bylaw 9.

For more information on running a Local election, please see the Local Elections section in the Local Officer Toolbox.

RESOURCES

Local bylaws – If your Local does not have a copy of its Local bylaws, your Local President can contact the National Office Finance and Administration Team at USJEfinanceSESJ@psac-afpc.com.

Clear majority – Definition of clear majority: more than half of the votes of the membership present at the meeting. For example, if 7 votes are cast, the clear majority (more than 3.5) is 4 or more.

USJE Bylaw 9 – Election rules – USJE Bylaws
www.usje-sesj.com/bylaws-and-regulations/usje-bylaws

USJE Local Officer Toolbox – Locals – Local Elections
www.usje-sesj.com/local-officer-toolbox/locals

Oath of Office

I, , having been elected an officer of the USJE-PSAC, solemnly declare that for my term of office I shall fulfill the duties of such office, will maintain and uphold the dignity of the office, and will always keep confidential all matters concerning the affairs of the organization that are brought to my attention.

4D. HOLD OTHER MEETINGS AS REQUIRED

In addition to holding your AGM, your Local may also need to hold one or more meetings during the year as per your Local Bylaws. Make sure to check your Local bylaws to ensure that your Local is complying with them.

Alternately, your Local may choose to hold additional meetings to cover any issues that may arise.

RESOURCE

Local bylaws – If your Local does not have a copy of its bylaws, your Local President can contact the National Office Finance and Administration Team at USJEfinanceSESJ@psac-afpc.com to receive one.



4E. RUN EFFECTIVE MEETINGS

Agenda

A clear, workable agenda is key to a successful meeting.

USJE has created an AGM agenda template that can be used for AGMs and modified for other meetings.

Here are some tips on creating a good agenda:

- When sending the meeting invitation to members, send a request for agenda topics. You may send a draft agenda with your message if you have one available.
- Begin the agenda with a welcome and introductions (and/or the sharing of a sign-in sheet).
- The next item of business should be a vote to approve the agenda and then a vote to approve the minutes.
- Following this, the USJE Statement on Harassment should be read. Always designate one trusted member of the meeting to hear any harassment complaints.
- Include the names of people who will introduce or present each item, if possible.
- Order agenda items strategically, ensuring you get to the key items of the meeting early.
- You may want to set a time limit for each item. Some facilitators prefer to do this, while others just keep their eye on the clock to ensure that all key items are addressed and that the meeting ends on time.
- Schedule breaks if the meeting will be long.
- Include an item at the end for new business.

Best practice: Send your meeting invitation and draft agenda out at least a week in advance. You can still make changes to the agenda and present the new one at the start of the meeting.

RESOURCES

AGM agenda template

www.usje-sesj.com/wp-content/uploads/2021/08/Notice-of-AGM-with-Agenda_EN.docx

USJE Statement on Harassment

www.usje-sesj.com/local-officer-toolbox/harassment/harassment-in-the-union

Quorum

All USJE Local meetings require a quorum – a minimum number of voting members who must be in attendance – for business to be conducted and decisions taken. You can run an informational meeting to discuss issues without a quorum so long as no decisions are taken.

Your Local's quorum is found in your Local bylaws.

If your Local bylaws do not identify the number you require for a quorum, the Local must pass an amendment identifying a number.

If your Local needs any assistance with writing an amendment on a quorum, please contact your RVP.

RESOURCE

Local bylaws – If your Local President does not have a copy of your Local bylaws, they can contact the National Office Finance and Administration Team at USJEfinanceSESJ@psac-afpc.com.

Chairing

The President ordinarily chairs Local meetings, with a Vice-President chairing if the President is not present. However, the job of chairing a meeting can fall to any Officer in the rare case that the President and Vice-President are absent. In addition, if the chair is presenting an item, another Local Officer takes the chair for that item.

Your meeting should follow PSAC Rules of Order. For any procedural question not covered by PSAC Rules, follow Bourinot's Rules of Order.

Best practice: Have a meeting sign-in sheet that includes space for attendees to sign, print their names and give their current home email addresses. This sign-in sheet will give you a full list of members to show quorum for any resolutions passed or decisions taken.

RESOURCES

PSAC Rules of Order

www.psaunion.ca/rules-order-psac-meetings

Bourinot's Rules of Order

www.usje-sesj.com/local-officer-handbook/bourinots-rules-of-order

Guiding principles

Local Officers are expected to follow USJE Guiding Principles at all times. As you carry out your duties, remember to:

- Act with honesty and integrity
- Respect all members
- Be a champion of the Duty to Accommodate and the Duty of Fair Representation (DFR) – for a definition of DFR, please see page 49
- Do not gossip or take a side in a conflict
- Remember that you represent all members

RESOURCE

USJE Guiding Principles

www.usje-sesj.com/principles

Statement on Harassment

It is important to identify a trusted person to be the point of contact for anyone who has a harassment complaint related to a Local meeting. This could be your RVP if they are at the meeting or another trusted member.

Make sure to read the USJE Statement on Harassment at the start of your meetings and ensure the person handling complaints is announced.

Most provinces and territories in Canada have adopted strong anti-harassment and anti-bullying laws. We encourage you to conduct yourself responsibly.

Inappropriate behavior ranges from offensive remarks to physical violence, and can include name-calling, distasteful jokes and demeaning characterizations of other members or work colleagues with whom you disagree. None of these behaviours is acceptable, and engaging in any of them will diminish your legitimacy and that of the Union. All debate should be conducted with dignity, decorum and respect for the opinions of others.

Bullying, name-calling and other aggressive behaviour are never to be tolerated.

RESOURCE

USJE Statement on Harassment

www.usje-sesj.com/local-officer-toolbox/harassment/harassment-in-the-union

Minutes

Minutes provide a record of decisions, actions, participation and other useful information from your meeting. Ask someone to take meeting minutes, preferably in advance of the meeting. Try to send out meeting minutes as soon as possible after the meeting.

The minutes should follow the order of the agenda and include:

- Names of attendees (you can attach the sign-in sheet from the meeting)
- Name of Local
- Date of meeting
- Adoption of previous meeting's minutes
- Name of the chair, minute-taker and Local Officers in attendance
- Brief summaries of each agenda item and any decisions made
- All motions - names of movers and seconders, whether motion carried or defeated
- All follow-up actions, person(s) delegated and deadline for completion

Make your minutes as brief as possible while covering all the information above.





5

WORKING FOR YOUR MEMBERS

5A. ENGAGE MEMBERS

One of your main responsibilities as a Local Officer is to be visible to your members and engage with them. You are the public face of USJE and PSAC at the Local level, and a valuable lifeline for your members. It is crucial your members know who you are and understand they can rely on you for support.

Share Member Handbooks and Postcards

The USJE Member Handbook is a useful guide for your members. It comes in both a hard copy and an electronic version, and there are enough hard copies for every member who wants one!

When greeting a new member, let them know about the Member Handbook and see if they would prefer a hard copy or an electronic one.

Give a Member Handbook Postcard to those who would like an electronic version so that they can easily access the link.

A PSAC Application for Membership form is attached to both the handbook and postcard. Ensure that any member who hasn't yet signed the membership form, signs as soon as possible. Members can also fill out the membership form online.

Remind members to always provide their home email address to their Union.

RESOURCES

USJE Member Handbook and Postcard (paper copies) – Local Officers can order complimentary copies of the handbook and postcard for their members from National Office at USJEmembers_membresSESJ@psac-afpc.com at any time.

USJE Member Handbook (online)
www.usje-sesj.com/member-handbook

PSAC Application for Membership form (online)
www.pscunion.ca/rand

Meet new members

When new employees are hired in your workplace, make a point to go and introduce yourself. Let them know how to find information and how to contact resource people. The employer orientation sessions should also allow a Union rep (often the Local President or the RVP) to introduce the Union and their rights to all new employees. Make sure all members have a USJE Member Handbook or Postcard and encourage them to sign the membership form attached at the back!

Hold meetings

Holding member meetings helps bolster support for your Local Officers and provides a place for members to voice their concerns. By having regular meetings, your Local Officers can stay on top of issues in your workplace and build a strong union family. For more information on holding meetings, please see pages 26-33.

Organize mobilization events

One important way to build a strong Local is to mobilize your members around key issues that you, your members and your Union care about.

Strikes and collective bargaining are among the powerful tools that unions use to ensure good working conditions for members. However, there are also several other actions that can be taken as a collective group which highlight to managers and other senior players within the federal government that union leaders and union issues have the support of their members.

Mobilization is something that can happen at local, regional, or national levels. As a Local, you can host a BBQ or information session for members. Days of action can include wearing armbands of the same colour, t-shirts, pins or badges to show support for an issue of concern in your workplace.

You can also circulate a petition or consider holding a rally with speakers, which could include your Regional Vice-President (RVP), National Vice-President or National President.

Another effective mobilization technique is to meet with Members of Parliament to discuss issues of importance. Getting out the vote during elections, and encouraging members to consider political platforms and how they will affect members' working and personal lives is another powerful way of mobilizing.

Host social events

Social events can promote solidarity between members, provide opportunities for them to interact with Local Officers, and create a network of support and belonging. BBQs, movie nights, fundraising dinners and family picnics are just a few examples of successful social events that USJE Locals organize.

USJE local office space

Some employers may also provide an office where members can connect with their Local Officers, and bring their concerns and questions. If you have an office, post a weekly schedule advising members when you and other Officers will be in your union office. If you don't have an office and you would like one, ask your employer if they can provide space.

5B. ENCOURAGE MEMBERS TO SIGN A MEMBERSHIP FORM

It is important to have as many Rand members as possible sign a PSAC Application for Membership form so that they may become full members. Your Local's list of full members is used to calculate the number of delegates your Local is eligible to send to USJE National conferences and events, so it is very important to keep it up to date.

New members

When a new member is hired, the Employer notifies PSAC, who inputs this information into UnionWare and notifies USJE National Office. The Employer should also notify the Local. This transfer of information and registration on our UnionWare system can take several months from the date of hire.

Once the employee appears in UnionWare and has been officially assigned to a USJE Local, they will be a Rand member until they sign a PSAC Application for Membership form (For more on Rand members, please see page 38.). This can be done with the mail-in form attached to our USJE Member Handbook and Postcard or via PSAC's online form.

It is only when an employee signs a membership form that they can enjoy all the benefits of full union membership.

RESOURCES

PSAC Application for Membership form (paper)

included with USJE Member Handbooks and Postcards and separately. All are available by contacting: USJEmembers_membresSESJ@psac-afpc.com.

PSAC Application for Membership form (online)

www.psaunion.ca/rand

Rand members

Rand members are employees who pay dues, and benefit from union negotiation of their Collective Agreement and some union representation, but who have not signed a PSAC Application for Membership form.

USJE is obligated to represent a Rand member if their grievance falls within the interpretation or application of their Collective Agreement. However, USJE is not obligated to represent a Rand member in several other instances, such as in classification grievances or in staffing complaints before the Federal Public Sector Labour Relations and Employment Board (FPSLREB).

Locals should encourage Rand members to sign a membership form so they can benefit from being a full USJE member. A Rand member cannot benefit from our union discount program, our scholarship program, have a say in how the Union is run, attend union meetings, participate in union trainings, hold a union office, or receive strike pay.

To encourage a Rand member to sign a membership form, share a USJE Member Handbook or Postcard with them.

Show them the section on the benefits of full union membership and point out the form to apply for full membership attached. You can also give them the link to the membership form online.

Consider offering an information session to Rand members to encourage them to officially join the Union.

Interesting fact: The term Rand comes from Supreme Court Justice Ivan Rand, whose arbitration decision ended the 1945 Ford strike in Windsor, Ontario.

The Rand Formula requires all workers covered by a collective agreement negotiated by a union to pay union dues, whether or not they have signed a membership form. The reasoning is that all workers, whether full union members or not, benefit from a union-negotiated contract and union support.

RESOURCES

PSAC Application for Membership form (paper)
included with USJE Member Handbooks and Postcards and separately. All are available by contacting USJEmembers_membresSESJ@psac-afpc.com.

PSAC Application for Membership form (online)
www.psaunion.ca/rand

USJE Member Handbook (online)
www.usje-sesj.com/member-handbook

Rand Formula – Rands and the Rand Formula – Union-provided Workplace Rights – USJE Local Officer Toolbox –
www.usje-sesj.com/local-officer-toolbox/locals

Transfers

A member only needs to transfer to a new Local when they have taken an indeterminate or a term position of three months or longer in a workplace that falls under another Local. To request a transfer, please contact National Office at USJEmembers_membresSESJ@psac-afpc.com with all the transfer information.

Replacement Cards

If a member requires a replacement card, the Local Officer or the member can send National Office a request at USJEmembers_membresSESJ@psac-afpc.com or the member can fill out the card at the back of the USJE Member Handbook, indicating that a new card is required. The new card will be mailed directly to the member.

5C. COMMUNICATE WITH MEMBERS

Maintain a bulletin board

Your employer is required to make bulletin board space available for union news and notices. Let members know where to find your Local bulletin board and keep the board updated. It's a great place to post contacts for Local Officers, postcards advertising our USJE Member Handbook, and updates on union events, educational opportunities, scholarships, meetings and bargaining.

Consider social media

You can also consider communicating via a Facebook page or other social media account. Before creating a social media account for your Local, make sure that you have the volunteer resources to continue posting over the long term. If your Local has its own Facebook page, follow, like and share our USJE National Facebook page and posts. We will do the same for you.

Connect with USJE and PSAC offices

To help boost your contact with your members, you can engage with USJE and PSAC's teams in the following ways:

- Sign up for our USJE website alerts to receive USJE articles and news, and encourage your members to do the same.
- Join PSAC's mailing list on their home page.
- Follow, like and share our USJE and PSAC Facebook pages and posts.
- Send us your photos, videos and news to share on our USJE Facebook page and website, and in our USJE Member Newsletter.
- Write an article for our USJE National website. Our National Policy, Projects and Media Relations Team can give you any needed advice and will provide editing.
- Join our USJE and PSAC YouTube channels and share our videos with your members.
- Follow us on Twitter and Instagram.

RESOURCES

USJE website alerts - Sign up to receive an alert every time we post something new to our website.

www.usje-sesj.com/home

PSAC mailing list – Join PSAC’s mailing list on their homepage.
www.psaunion.ca

Facebook

www.facebook.com/USJESESJ
www.facebook.com/psac.national

YouTube channels

www.youtube.com/channel/UCXabeNcnAX7bx8G_IEBrCZw
www.youtube.com/user/PSACwebmaster

Twitter

www.twitter.com/usje_sesj
www.twitter.com/psac_afpc

Instagram

www.instagram.com/usjesesj/
www.instagram.com/psacafpc/

5D. REFER MEDIA REQUESTS TO YOUR RVP

If your Local gets a request to speak to media, your Local President needs to contact your RVP quickly. If your RVP is not available, please contact the National Office Policy, Projects and Media Relations Team by phone. For contact information, please see: www.usje-sesj.com/national-office-contacts.

USJE’s National President is fully protected from Employer ramifications stemming from retaliation for speaking to the media, National Executive members are somewhat protected, and Local Officers and members are not protected.

It is important that your RVP or National Office know of any media requests right way to give them time to consult with you and discuss how to respond in the best interest of members.

RESOURCES

To contact your RVP:

www.usje-sesj.com/national-executive-contacts

National Office Policy, Projects and Media Relations Team:

www.usje-sesj.com/national-office-contacts

5E. ENSURE PARTICIPATION ON LOCAL LABOUR-MANAGEMENT COMMITTEES

Labour-Management Consultation Committee (LMCC)

The Labour-Management Consultation Committee (LMCC) provides an opportunity for the Union and Management to have free and frank discussions on day-to-day issues in the workplace. It is the Local President's duty to ensure that the Union is represented on this committee.

The LMCC is an informal setting where the Local's representatives, chosen by the Local President, can bring members' issues to management, and management can outline their plans for changes to working conditions and programs. Typical subjects for discussion include changes to physical working conditions and equipment, training programs, and changes in employer policies on things such as parking and flexible hours.

There should be two LMCC co-chairs, one from the Local Executive and the other from the Employer. Official minutes are signed by the co-chairs, and kept as a record of all discussions and decisions at these meetings. Post a copy of the minutes in your workplace and/or circulate them to your members.

RESOURCE

What are Labour-Management Consultation Committees?

- Union Information - USJE Member Toolbox
www.usje-sesj.com/member-toolbox/union-information

Health and Safety Committee

Under the *Canada Labour Code*, Part II, every employer who directly employs 20 workers or more is required to have a joint Health and Safety Committee with the Union.

This committee is key to ensuring that health and safety issues are addressed by the Employer. Its duties include assisting in the development of health and safety policies and programs, addressing concerns raised by employees, and monitoring data on work accidents, injuries and health hazards.

The joint committee consists of at least two people, one appointed by the Employer and one by the Local.

RESOURCE

Health and Safety - Union Information - USJE Member Toolbox
www.usje-sesj.com/member-toolbox/health-safety

5F. ENSURE PARTICIPATION ON LOCAL BARGAINING PROPOSAL COMMITTEE

The Bargaining Proposal Committee has the critical job of gathering and reviewing issues that members want to see in the next round of collective bargaining negotiations. It also keeps members up to date at all stages of the collective bargaining process.

Ideally each Local has a Standing Bargaining Proposal Committee so that work is done continuously, and not just between PSAC's input call and its deadline. It is a good idea to have one, or both, of your Chief Shop Steward and Local Grievance Coordinator on the committee so they can recommend changes to articles that cause a lot of grievances.

Once you get an email from USJE or PSAC asking for bargaining demands, this information needs to be shared immediately with your members.

There is a short window of time to submit collective bargaining demands, and very few people are aware when this window is open. It is up to you to ensure that members know the timeline.

RESOURCES

Bargaining Proposal Committee – Respective Roles of USJE and PSAC – USJE Local Officer Toolbox
www.usje-sesj.com/local-officer-toolbox/usje

Collective Bargaining – USJE Regulation 7
www.usje-sesj.com/bylaws-and-regulations/usje-regulations

PSAC Collective Bargaining Process – PSAC Regulation 15
Regulation 15A covers members in the Treasury Board Unit.
Regulation 15B covers members at the Canadian Security Intelligence Service (CSIS).
www.psaunion.ca/sites/psac/files/attachments/pdfs/psac-constitution-2018-nov-en.pdf



6

GRIEVANCES

When issues arise in the workplace, Local Officers are usually the first points of contact for members. It is important to understand the different types of disputes that can arise and how to address them.

Some problems can be easily resolved with a conversation, while others require more complex and formal actions.

Always attempt an informal resolution first.

If an issue cannot be resolved informally, then you must move to a formal process. The most fundamental of these processes in a unionized environment is the grievance. However, not every violation is grievable.

It is vital that Local Officers familiarize themselves with their Collective Agreement(s), get training in grievance handling, and consult their Local President, who in turn can consult their RVP and National Office on wording, strategy and approach.

How something is grieved in the first instance has major implications for potential remedies.

6A. TYPES OF GRIEVANCES

The *Federal Public Sector Labour Relations Act (FPSLRA)* provides for three types of grievances:

- Individual Grievances
- Group Grievances
- Policy Grievances

Individual Grievances

An employee may file a grievance pertaining to the interpretation and/or application of the Collective Agreement (with the consent of their Local), disciplinary action or a decision taken by the Employer. Most Individual Grievances will follow the three-level process outlined on pages 48-56.

Classification and Phoenix-related grievances follow a specialized process. If you require support in managing these, or any type of grievance, your Local President can provide direction or can refer you to your Regional Vice-President (RVP).

If an Individual Grievance has gone through all applicable levels of hearings without a satisfactory result, it may only be referred to adjudication (with the consent of PSAC) if it is regarding:

- the interpretation and/or application of the Collective Agreement (requires union agreement and representation);
- disciplinary action involving termination, demotion or suspension with financial penalty;
- Terms and Conditions of Employment; or
- harassment or discrimination on the basis of a prohibited ground under the *Canadian Human Rights Act*.

Please note that adjudication is the final recourse in these grievance processes and the adjudicator's decision is binding on both sides. More information on adjudication can be found on pages 57-58.

RESOURCES

USJE Regional Vice-President contact information:

www.usje-sesj.com/national-executive-contacts

Group Grievances

When two or more employees in the same department or agency believe that their Collective Agreement has not been interpreted or applied correctly and in exactly the same way, they can approach their Local and ask that a Group Grievance be filed on their behalf. Shop Stewards must contact their RVPs, who will consult with USJE National Office prior to filing.

Each of the employees seeking relief must sign a "Consent of Aggrieved Employees to the Presentation of a Group Grievance" form. Individuals who do not sign the consent form will not be eligible to receive any remedy awarded outside their strict entitlements.

A Group Grievance can be helpful in highlighting the magnitude of a problem – both with the department or agency in question and the Treasury Board overall. However, the drawbacks are that if the Grievors' situations are not exactly the same, the Grievance will be thrown out.

Group Grievances are generally presented at the 3rd level of the grievance process, and they may be referred to adjudication, with the consent of the Public Service Alliance of Canada (PSAC).

RESOURCES

Consent of Aggrieved Employees to the Presentation of a Group Grievance form

www.usje-sesj.com/forms

Policy Grievances

Only USJE National Office, PSAC or the Employer may file a Policy Grievance. A Policy Grievance arises when the Employer violates, or incorrectly interprets or applies the Collective Agreement. It is often used when a large group of members is affected, or to address systemic issues arising from Employer actions or interpretations.

A Policy Grievance must be approved by PSAC and is automatically presented at the 3rd level of the grievance process. Policy Grievances may not be able to grant specific remedies to individuals, depending on the circumstances, so an Individual or Group Grievance may also need to be filed.

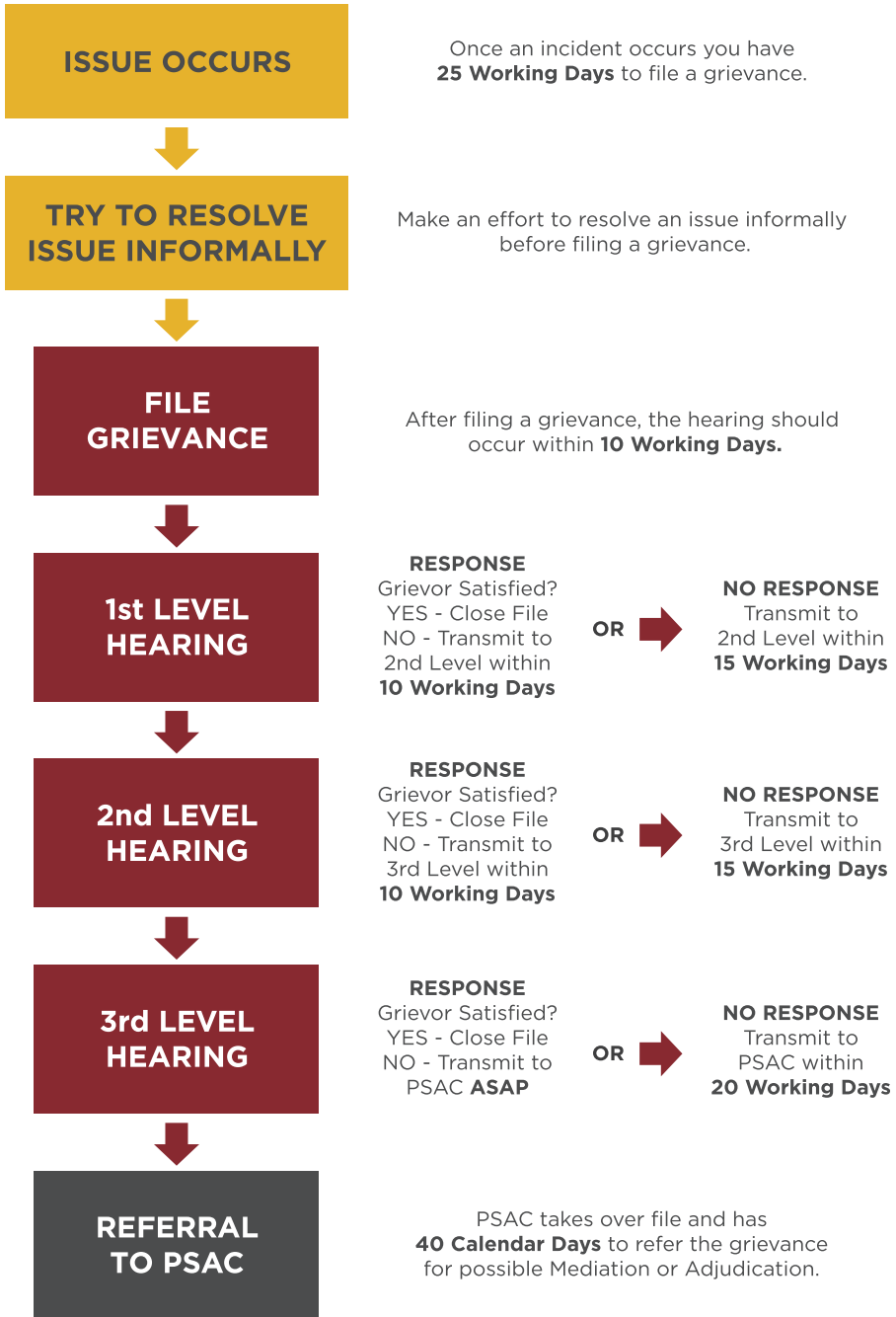
6B. GRIEVANCES - OVERALL

The following is a general overview of the process for Individual Grievances (not including classification grievances) for all our members, other than those who work at CSIS. Those who work at CSIS should see their Collective Agreement for their grievance resolution process.

It's important for all Local Officers to take USJE's grievance training.

For more information on USJE grievance training for Local Officers, please see page 72.

The Grievance Process



Timelines for grievances must be respected.

Failure to adhere to timelines at any point in the grievance process can result in a grievance being dismissed and/or can expose USJE to liability for failing to meet our Duty of Fair Representation.

If an extension to a timeline is needed, it must be requested BEFORE the deadline, not after.

Duty of Fair Representation (DFR)

The Duty of Fair Representation is a legal responsibility of unions to act in a reasonable manner towards their members.

While errors are permissible, negligence, ignorance of the rules of the law, or acting in a manner that is arbitrary, discriminatory or in bad faith, is not.

“Arbitrary” conduct is when the decisions are superficial, indifferent or in reckless disregard of an individual’s interests, including issues such as favouritism, double standards or inconsistent application of policies.

“Discriminatory” practices are when members of the bargaining unit are dealt with unequally based on a prohibited ground of discrimination in the *Canadian Human Rights Act*, which includes, but is not limited to, race, sex, and family status.

“Bad faith” decisions are those based on ill-will, hostility, revenge or dishonesty.

6C. GRIEVANCE PROCESS - INITIAL STEPS

Assessment of the issue

A member who has a grievance or a complaint that is a breach of either the Collective Agreement or the Employer's policies should be directed to discuss the issue with a Shop Steward, or the Local Officer designated to handle grievances and complaints.

When a member, or members, bring their grievance to you, explain the grievance process and let them know whether their case is eligible to go as far as adjudication. Explain to them at the outset what they can and cannot expect from the grievance process.

Managing member expectations is a key part of being a good Union representative.

Do not make promises we may not be able to keep, and do not guarantee any particular outcome.

Informal resolution

First, in general, try to resolve the issue by helping the member to approach the Employer with their complaint. Mediation, coaching, and other informal processes may be used at this point, or at any time during the process.

Filing a grievance

If there is no informal resolution by the Employer, the member - called the 'Grievor' - must file a grievance within the timeline specified in their Collective Agreement (for the Treasury Board agreements, this timeline is 25 days). This timeline must be followed. The Shop Steward helps the Grievor complete and submit a Grievance Form to the Employer.

Local Officers are strongly encouraged to take the grievance training offered by USJE.

For more information on grievance training, please see page 72.

At any point in the process, the Local Officer may want to consult the Grievance Wording section of USJE's website and/or the USJE Local Officer Toolbox. If you require additional support, your Local President can contact your RVP for assistance.

RESOURCES

Grievance Form

www.usje-sesj.com/forms

Grievance Wording

www.usje-sesj.com/grievance-wording

USJE Local Officer Toolbox

www.usje-sesj.com/local-officer-toolbox

Building a strong case

When you start building a case, whether for a grievance or other type of complaint, address the first five Ws – who, what, when, where, and why – plus a sixth, what does the member want to resolve their complaint? Create a file of documentation to support each of these Ws. This will help you to prepare a presentation that is simple, clear and coherent. Then, pause for a moment, reflect and ensure you have everything – the seventh W is Whoa!

Use the PSAC Shop Steward Fact Sheet to collect the required information.

WHO was involved?

Include the Grievor's full name, the Employer, branch or division, section or unit, title, and job classification. Include the name and title of the member's immediate supervisor as well as anyone else directly involved, such as witnesses. Ensure you have contact information for any witnesses.

WHAT caused the problem?

Give a full description of events with as many relevant details as possible. Provide the context and background information as if you were explaining the situation to someone who is not familiar with your workplace and the individuals involved.

WHEN did it happen?

Include the pertinent dates and times, how often the issue occurred, and how long the act or omission took place. For example, how long a shift premium hadn't been paid for a weekend, or how long the Employer hadn't been allowing people to take their breaks.

WHERE did the incident occur?

Give the exact location, or locations if the event(s) occurred in different places. Give the distance between locations and any other geographical details if it has a bearing on the case.

WHY is this incident a grievance?

Has there been a violation of either the Collective Agreement, an arbitral award (the result of an arbitration) or an Act of Parliament? Are Employer policies, regulations or past practices at issue?

What does the member **WANT**?

What are the adjustments or actions needed to correct the injustice?

WHOA! Time to review.

- Do you have all the necessary information?
- Have you spoken with potential witnesses to confirm the Grievor's version of events?
- Is the grievance serving the intended purpose or righting an employment wrong, or is it an attempt to get even, retaliate or advance the Grievor's personal agenda? If you have any doubts or qualms about this, consult your Local President or RVP.
- Can this process be resolved without formal action?

RESOURCES

PSAC Shop Steward Fact Sheet

www.psaunion.ca/sites/psac/files/attachments/pdfs/steward_factsheet_e_final.pdf

To contact your RVP:

www.usje-sesj.com/national-executive-contacts

6D. GRIEVANCES - HEARINGS

1st Level Grievance Hearing (Local)

Once it has been confirmed that an issue cannot be resolved informally and once a Grievance form has been submitted (for more information on filing a grievance form, please see page 50), proceed to gathering and preparing documentation.

Gather and prepare documentation

Help the Grievor gather and prepare all documentation that supports the Grievance, including a chronology of events, emails, recorded notes, dates of phone conversations, and anything else that helps the case. The PSAC Shop Steward Fact Sheet will help you to collect this information.

Laying the groundwork for a solid argument at the Local level will help Union representatives present a strong case if the Grievance goes to a higher level. See page 51 for tips on building a strong a grievance case. Ensure copies of all documents are kept on file.

Use the PSAC Shop Steward Fact Sheet to help you collect all relevant information on the Grievance.

Prepare a clear and concise written presentation. This will help the different Union representatives at all three grievance levels advocate for the member's issues and perspective in a coherent and consistent way.

Attend the hearing

After receiving the Grievance Form, the manager identified as the first-level grievance responder or their delegate, and the Local Union representative in consultation with the Grievor will agree on a hearing date, time and location. At the 1st level, it is generally the direct supervisor or manager as well as a representative from local level Human Resources or Labour Relations who attend the hearing.

As the representative for the Grievor, you will generally speak on the Grievor's behalf, describing the Grievance and the remedy the Union is seeking. At this level, Management generally listens as you present evidence. They may ask questions or ask to see certain documentation. Make sure you have the documentation prepared in advance of the hearing.

In some cases, the Grievor may need to provide further detail or information. Ensure that they are prepared for any questions that might arise. As the Grievor's representative, you are also there to support and assist them. If the situation becomes stressful or emotional, do not hesitate to ask for a break.

Grievance hearings can also be done by teleconference or video conference.

Unless there is agreement from the Union, Management has 10 working days from the date of the first hearing to respond to the Grievance in writing.

If there is no response after 10 days, the member has an additional five days to decide whether to transmit their grievance to the next level.

If the Employer asks for a reasonable extension, it is good practice to agree unless there is an extraordinary circumstance, in which case you should consult your Local President, who may consult your RVP.

Response

If there is a response and the Grievor is satisfied with it, the matter is resolved. If the matter is not addressed to the Grievor's satisfaction and they would like to continue to the next level, assist the member in submitting a Transmittal Form to the Employer to initiate a 2nd Level Grievance Hearing.

Once you have submitted the Transmittal Form to the Employer, you need to send the following immediately to the Union representative who will represent the Grievor at the 2nd level, unless you have been specifically instructed otherwise by your Local President, the RVP or National Office:

- the Grievance file
- all supporting documents
- your written presentation
- the Employer's response

For more information on Grievances, please see the Grievances section in our USJE Local Officer Toolbox and the PSAC Shop Steward Tool Kit. For more information on being a Steward overall, please see PSAC Stewards' Resources.

RESOURCES

PSAC Shop Steward Fact Sheet

www.psaunion.ca/sites/psac/files/attachments/pdfs/steward_factsheet_e_final.pdf

Transmittal Form

www.usje-sesj.com/forms

Grievances section – USJE Local Officer Toolbox

www.usje-sesj.com/local-officer-toolbox/grievances

PSAC Shop Steward Tool Kit

www.psaunion.ca/sites/psac/files/steward_tool_kit_02-09-2017_eng.pdf

PSAC Stewards' Resources

www.psaunion.ca/shop-stewards-1

2nd Level Grievance Hearing (Local, Regional, or Divisional)

Transmit the full file

If the Grievor wishes to advance their grievance to the 2nd level, once the Transmittal Form has been submitted, the representative should provide copies of all documentation, presentations, notes and forms (grievance, response and transmittal) to the person responsible for 2nd level representation. For a full list of the documents that must be forwarded, please see page 54.

If representing the Grievor, or if invited, attend the hearing

The person representing the Grievor at the 2nd level presents the case to a second, higher level of management. Their presentation is largely based on the documents and arguments from the 1st level, along with any additional information.

Management has 10 working days from the date of the second hearing to respond in writing.

If there is no response after 10 days, the member has an additional 5 days to decide whether to transmit their case to the next level. Make sure the Grievor understands this timeline.

Response

If the matter is not resolved to the Grievor's satisfaction, they may ask you to assist them in submitting a Transmittal Form to the Employer to initiate a 3rd Level Grievance Hearing. The Grievance file must be sent to your RVP by the person who represented the Grievor at the 2nd level.

RESOURCES

Transmittal Form

www.usje-sesj.com/forms

To contact your RVP:

www.usje-sesj.com/national-executive-contacts

3rd Level Grievance Hearing (National)

USJE Labour Relations Officer attends hearing

When USJE National Office receives confirmation from the Employer that a grievance has gone to the 3rd level, National Office opens a file and assigns the case to a USJE Labour Relations Officer (LRO). The USJE LRO presents the case to the Employer's Labour Relations Officer at the hearing.

The USJE LRO may reach out to the Local representative for more information to assist them in getting ready for their presentation. Answer any queries or communications promptly to ensure your member has the best possible representation.

Response

If the Grievance is rejected at this level and the case is eligible for referral to adjudication, the USJE LRO determines whether it is appropriate to send the file to PSAC for analysis. If the subject matter is not eligible for adjudication, USJE will likely close the file, although it may be possible in some circumstances for there to be an attempt at settlement prior to closing.

If the file is sent to PSAC, the PSAC Representation Section determines whether to refer it to adjudication.

The Representation Section has 40 calendar days from the day the member receives the 3rd level response from the Employer to refer the file to the Federal Public Sector Labour Relations and Employment Board (FPSLREB).

It is crucial that files are submitted promptly and in full to USJE National Office so there is sufficient time to send the documents on to PSAC and for PSAC to analyze the case.

6E. ADJUDICATION

Eligibility

Currently, all USJE members are employed in departments and agencies in which eligible final stage grievances go before the Federal Public Sector Labour Relations and Employment Board (FPSLREB) for adjudication. However, only certain types of cases are eligible to go to the FPSLREB for adjudication.

Eligible for FPSLREB adjudication

Only grievances that have not been resolved at any of the three levels of grievance hearings may be referred to adjudication. In addition, they must be grievances that are:

- based on a breach of a provision in a Collective Agreement or arbitral award;
- based on disciplinary action that results in termination, demotion, suspension or financial penalty; or
- harassment grievances linked to a prohibited ground of discrimination in the *Canadian Human Rights Act* by virtue of the No Discrimination articles in the Collective Agreement.

Union approval and representation is required for all grievances that deal with the interpretation or application of the Collective Agreement.

Not eligible for FPSLREB adjudication

An individual can grieve an interpretation or application of a policy or directive of the Employer. This type of grievance can proceed through each of the three levels of grievance hearings. However, if a resolution is not secured at any of the internal grievance levels, it cannot proceed to adjudication.

Personal harassment grievances – those that are not linked to a prohibited ground of discrimination in the Canadian Human Rights Act – verbal or written warnings, and some other issues are also not able to proceed to adjudication.

PSAC makes the decision whether to refer a case or not to adjudication.

Even if a grievance is eligible for adjudication, it is the PSAC Representation Section, not USJE, that makes the decision whether to refer the case. This decision is made after a thorough analysis of the Grievance.

As a Local Officer, you may be contacted by a Grievance Analyst or a Grievance and Adjudication Officer for information, background, context or other assistance on files. Please respond promptly to ensure your member is fully protected.

RESOURCE

Federal Public Sector Labour Relations and Employment Board (FPSLREB)
www.pslreb-crtefp.gc.ca/en/index.html

Process

If PSAC refers the Grievance to the FPSLREB, it will appoint an adjudicator to hear the matter, and will contact PSAC and the Treasury Board to schedule a hearing date. The Grievor will normally be represented by a Grievance and Adjudication Officer from PSAC, and will receive notice that their Grievance is being scheduled.

As the Local representative, you may be required to testify at the hearing. If this is the case, you will be contacted by the PSAC Grievance and Adjudication Officer in advance of the hearing so you may prepare.

During the adjudication hearing, representatives of the Union and the Employer present their case and the FPSLREB renders a decision. This decision is binding on both parties, although it may be subject to judicial review in very limited circumstances. Filing for judicial review would require the support of PSAC Legal Officers and is done very rarely.

It takes a minimum of 36 months – from the time of a completed referral to adjudication – to schedule a hearing with the FPSLREB.

Certain types of cases, such as terminations, may proceed more quickly, but it is not guaranteed. Unfortunately, neither PSAC nor USJE has any control over the scheduling of hearings.

6F. SETTLING A GRIEVANCE

In a significant number of cases, a grievance will be settled rather than outright granted by the Employer. Grievances can be settled at any point in the process between the initial filing of the Grievance to shortly before or during a hearing.

If the Employer approaches you with a settlement offer, you are obligated to communicate that offer to the Grievor. If the Grievance has been transmitted to a higher level already, you should refer the Employer representative to the appropriate Union representative at the appropriate level.

Settlements involve compromise but also offer much quicker resolution, give both parties opportunities to be creative and flexible beyond what may be available at adjudication, and provide a certain outcome.

If you are negotiating a settlement for a Grievor, it is highly advisable that you reach out to your RVP or USJE LRO for assistance regarding the wording of the Memorandum of Settlement (MOS).

The MOS is a very technical, legal, document that must be reviewed carefully. Settlements for large numbers of employees, or settlements related to Policy or Group Grievances must be reviewed and approved by USJE National Office.

RESOURCE

To contact your RVP:

www.usje-sesj.com/national-executive-contacts



6G. STAFFING COMPLAINTS

If a member comes to you regarding problems with a staffing process or appointment, their avenue of recourse is via a Staffing Complaint. An appointment (advertised or not) must have been made and there are only a few grounds upon which a complaint can be based. A complaint can only be based on an abuse of authority in:

- the application of merit criteria;
- the type of selection process used;
- the language requirements of the position; or
- the language used in the selection process.

If you are facing a Staffing Complaint situation, you should contact your RVP right away.

Additional support can be found by consulting the resources below.

RESOURCES

Staffing Complaints

www.usje-sesj.com/member-toolbox/staffing-complaints

Procedural Guide for Staffing Complaints - FPSLREB

pslreb-crtefp.gc.ca/en/resources/guides/staffing-complaints-guide.html

To contact your RVP:

www.usje-sesj.com/national-executive-contacts





7

HARASSMENT

7A. DEFINITION OF HARASSMENT

Harassment is defined by the **Canada Labour Code** as “any action, conduct or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee, including any prescribed action, conduct or comment.” It includes any unwanted physical or verbal behaviour that offends or humiliates someone. Generally, harassment is a behaviour that persists over time. Serious one-time incidents can also be considered harassment.

Harassment also includes behaviour that contravenes the protections of the **Canadian Human Rights Act**. This legislation protects individuals against harassment based on the prohibited grounds listed in the *Act*. Harassment based on a prohibited ground is a form of discrimination.

Harassing behaviour may be verbal or written; physical or psychological; deliberate or unintentional; unsolicited and/or unwelcome. It may be made up of either one incident or a series of incidents. While not an exhaustive list, harassment may include:

- verbal abuse, threats or intimidation
- unwelcome remarks, jokes, innuendos or taunting about a person’s body, attire, age, sexual orientation, marital status, mental or physical disability, ethnic or national origin, religion, etc.
- displaying of sexually explicit, racist, or other offensive or derogatory images
- practical jokes which could reasonably be expected to cause awkwardness or embarrassment
- unwelcome invitations or requests, whether indirect or explicit
- condescension or paternalism, that undermines self-respect
- unnecessary physical contact, such as touching, patting, pinching or punching
- physical assault
- group exclusion, shunning or “ganging up”
- creating or condoning a poisonous work environment

At work, your employer is responsible for ensuring that employees can carry out their tasks in a workplace free from harassment. The Treasury Board has a Directive on the Prevention and Resolution of Workplace Harassment and Violence, which is designed to foster a respectful workplace through the prevention and prompt resolution of harassment.

RESOURCES

Canada Labour Code – Part II – includes a definition of harassment
www.laws-lois.justice.gc.ca/eng/acts/L-2/page-23.html#h-341197

Canada Labour Code – Workplace Violence and Harassment Prevention Regulations
www.laws-lois.justice.gc.ca/eng/regulations/SOR-2020-130/index.html

Canadian Human Rights Act
www.laws-lois.justice.gc.ca/eng/acts/h-6

Directive on the Prevention and Resolution of Workplace Harassment and Violence – Treasury Board
www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=32671

7B. ADDRESSING WORKPLACE HARASSMENT

As union leaders, it is our responsibility to combat and eliminate workplace harassment. In 2021, federal Bill C-65 came into effect which obligates employers to quickly address harassment and workplace violence complaints. You can visit USJE's Member toolbox at www.usje-sesj.com/member-toolbox for a full explanation of the options available, which include but are not limited to the process now outlined in Bill C65.

The Canadian Human Rights Commission (CHRC) website is also a valuable source of information for Local Officers.

Overall courses of action

There are four main courses of action a member can take to address harassment and workplace violence:

- Pursue an Informal Resolution Process
- File a *Canada Labour Code* Workplace Violence and Harassment Complaint
- File a Canadian Human Rights Commission complaint
- File a Grievance

Each option listed above has its own respective process. In many cases, it is possible to file both a grievance and a complaint under the Canada Labour Code and/or a Canadian Human Rights Commission complaint. In most cases, there is no harm in doing so – and your Regional Vice President or USJE’s Labour Relations team can provide advice on what is best.

Since 2021, it is possible for employees who are witnesses to, but are not the subject of, harassment or workplace violence to file a complaint anonymously under the *Canada Labour Code*.

Also, under the newly revised *Canada Labour Code*, each department and agency must have a comprehensive policy on harassment and workplace violence. There must be specific individuals within every department and agency who are designated to receive complaints. These individuals have 7 days to acknowledge a complaint once it has been filed.

The employer will likely then ask the employee affected if they wish to proceed with informal resolution before, or instead of, an investigation. There is absolutely no obligation for the complainant to agree to informal resolution if they are uncomfortable doing so.

In the absence of informal resolution, the complaint will be forwarded to a ‘Competent Person’. The Employer must choose this ‘Competent Person’ from a list of investigators that has been developed jointly with the Union, or they must use the Canadian Centre for Occupational Health & Safety’s list.

The outcome of an investigation under the Harassment and Workplace Violence legislation does not provide for any individual remedies or compensation for the complainant which is why it may be important to also file a grievance - or a Canadian Human Rights Commission complaint.

RESOURCES

Canadian Human Rights Commission (CHRC)

<https://www.chrc-ccdp.gc.ca/eng>

Canada Labour Code - Notice of an Occurrence

www.laws-lois.justice.gc.ca/eng/regulations/SOR-2020-130/page-2.html#h-1250888

Initial steps to take

To provide representation to a member who has experienced harassment or workplace violence, ask yourself the following three questions:

Did what happened meet the definition of harassment or workplace violence?

Under the PSAC Policy on Union Representation: Workplace Harassment (23A), you should provide union representation, unless it is clear that the allegations do not meet the specific definitions of harassment or workplace violence that applies to your workplace.

Depending on where you work, the definition of harassment can be found in either your Collective Agreement or in an employer policy. However, the definitions of harassment and workplace violence included in the Canada Labour Code legislation apply to all departments, agencies and federally regulated workplaces (For the Canadian Labour Code definition of harassment, please see page 63).

Are the allegations made against another USJE member?

If allegations of harassment or discrimination are made against another USJE member in the workplace, contact your RVP immediately.

In this case, steps must be taken early to ensure both members and the Union are protected. Members making harassment complaints are entitled to representation and assistance in filing complaints and participating in the process. Members against whom complaints are made are also entitled to some assistance and representation regarding the outcome. These members cannot be represented by the same person. Privacy and confidentiality must be maintained for all sides.

Is the harassment based on a prohibited ground of discrimination in the *Canadian Human Rights Act*?

If yes - The member should file a *Canada Labour Code* Workplace Violence and Harassment Complaint **and** a Discrimination Grievance seeking damages for pain and suffering, and other economic losses (out-of-pocket expenses, leave used, etc...).

Note: It is also possible to file a Canadian Human Rights Complaint, which is helpful with systemic issues and when there is a need for training.

If no – The member should file a *Canada Labour Code Workplace Violence and Harassment Complaint*.

Note: If the Grievor used leave or had out-of-pocket expenses in relation to the complaint, they should also file a Personal Harassment Grievance.

When dealing with all harassment and workplace violence matters, Grievances and Complaints can be put into abeyance if the member would like to consider Informal Resolution Processes.

Keep in mind, as a Union representative, you are not required to conduct a full investigation into the Complaint – that is the Employer’s job. Read the allegations, look at the definition of harassment or workplace violence and talk to the Complainant/Grievor.

If the allegations could constitute harassment, the Union represents the member by making sure that the Employer fully and fairly investigates the allegations.

If you determine the allegations do not meet the definition of harassment or workplace violence, you should communicate your reasons to the Complainant/Grievor – preferably in writing.

If the Union representative handling the file makes a determination that the allegations do not meet the definition of harassment, but the complainant disagrees, the complainant does have the ability to continue forward with a *Canada Labour Code Harassment and Workplace Violence* complaint on their own.

For more information on harassment and workplace violence, and representing a member who has been harassed, please see the Harassment sections of the Member Toolbox and of the Local Officer Toolbox on the USJE website.

RESOURCES

Directive on the Prevention and Resolution of Workplace Harassment and Violence

www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=32671

PSAC Policy on Union Representation: Workplace Harassment (23A)

www.psaunion.ca/psac-policy-union-representation-workplace

Prohibited grounds of discrimination in the *Canadian Human Rights Act*:

www.laws-lois.justice.gc.ca/eng/acts/h-6/section-3.html

USJE Member Toolbox – Harassment

www.usje-sesj.com/member-toolbox/harassment

USJE Local Officer Toolbox – Harassment

www.usje-sesj.com/local-officer-toolbox/harassment

7C. HARASSMENT WITHIN THE UNION

PSAC believes that every individual has the right to dignity and respect both within the Union and in the workplace. Anti-Harassment: the union - PSAC Policy 23B outlines PSAC's responsibilities and responses as a membership-based organization in cases involving harassment within our Union.

Harassment may occur between members of our Union at union-related events such as education courses, conferences and Local meetings. It can also occur in interactions between individuals in any union-related context.

When allegations of harassment arise, the Union is committed to ensuring that all members have:

- the right to fair and due process, and to confidentiality, subject to appropriate disclosure to those involved, and
- assistance in settling the matter at the earliest stage possible.

Every member is entitled:

- to be free from any act or omission on the part of the Union or other members that would discriminate against the member, based on the prohibited grounds listed in the Canadian Human Rights Act; and
- to be free from harassment by another member, both within the Union and in the workplace, on any basis not linked to prohibited grounds of discrimination.

RESOURCES

Anti-Harassment: the union - PSAC Policy 23B

www.pscunion.ca/anti-harassment-union-psac-policy-23b

Canadian Human Rights Act

www.laws-lois.justice.gc.ca/eng/acts/h-6

Process to address harassment within the Union

The PSAC process for harassment complaints are:

1. Prevention
2. Member feels they have experienced harassment
3. Member decides to make a Complaint
4. Initial discussion with Anti-Harassment Resource Person
5. Informal resolution (can take place at any point in the process)
6. Investigation
7. Harassment Complaint Committee Report
8. Approval of the Report
9. Complaint founded or unfounded
10. Disclosure to Committee of actions to be taken
11. Dissemination of relevant information

Learn more about this process in the “Harassment in the Union” section of the Local Officer Toolbox on the USJE website.

RESOURCE

Local Officer Toolbox - Harassment - Harassment in the Union

www.usje-sesj.com/local-officer-toolbox/harassment/harassment-in-the-union





8

INFORMATION AND SUPPORT AVAILABLE

There is a lot of support available for Local Officers, from current and former Officers in your own Local, to your Regional Vice-President, to staff at National Office. If additional support is needed, USJE can also access the resources and expertise of PSAC, and may, in certain cases, refer you directly to your PSAC Regional Office.

8A. REGIONAL VICE-PRESIDENT (RVP)

It's important for Local Presidents to cultivate a strong working relationship and good communication with their Regional Vice-President (RVP). Your RVP is responsible for raising member concerns identified by Local Presidents at the national level. They also share national information with your Local, including decisions made, answers to member questions and new developments.

Your RVP also supports your Local by:

- Providing advice to the Local President and other Officers
- Supporting engagement in mobilization events - marches, BBQs, etc.
- Communicating regional issues to National Office
- Acting as a resource and link to training opportunities
- Leading engagement with government at all levels on labour issues - those specific to USJE and on wider issues that affect all workers

RESOURCE

Regional Vice Presidents' (RVP) contact details:

www.usje-sesj.com/national-executive-contacts

8B. TRAINING

USJE

Local Officers who would like to benefit from USJE training need to speak with their Local President, who in turn will speak to their RVP.

USJE National Office may offer training on topics, including:

- Organizing a Local
- Grievances
- Health and Safety
- Duty to Accommodate

USJE covers the cost of member education, so there is no cost to the Local for participation.

RESOURCE

RVP contact details:

www.usje-sesj.com/national-executive-contacts

PSAC

PSAC Regional education

PSAC offers many courses that are open to all members through their Regional Offices.

Courses are offered in person and/or virtually through Zoom. Members can find out about current course offerings on the Courses Offered section of their PSAC Regional website. Most courses take place over two to three days.

PSAC covers the cost of member education, so there is no cost to the Local for participation.

Examples of PSAC courses offered through Regional Offices include:

- Talking Union Basics (TUB), which is a pre-requisite to most other PSAC trainings
- Local Officers Training (a recommended course for all USJE Local Officers)
- Steward Training
- Convention Preparation and Procedures
- Accommodating Disabilities
- Unionism on Turtle Island
- Advanced Representation Training (supplements USJE Grievance Handling training)
- Strike Training

PSAC National online education

All members can access PSAC online education through the PSAC National website and their member portal. These online courses are completed individually on the member's own time. Most online courses take less than two-hours to complete.

Online education includes:

- Welcome to your Union, PSAC
 - Convention Procedures
 - Precarious Work – A Union Issue
 - Understanding Your Collective Agreement
 - Grievances: An Overview
- *USJE members are encouraged to take the USJE training on grievances, as it addresses issues specifically aimed at our workplaces. PSAC also offers Advanced Representation Training, which can be taken after the USJE grievances course.

PSAC National “in person” education

PSAC National Education offers courses that require members go through a selection process to attend. These courses include:

- Union Leadership Development Program
- National Leadership Training
- FPSLRB Staffing Complaints Advanced Representation Training
- PSAC Internal Investigations Committee Training

PSAC also offers webinars on various topics that are open to all members. They are advertised on the PSAC National and Regional websites.

PSAC education resources

Education resources posted on the PSAC National website include:

- PSAC Stewards' Resources
- Anti-Racism Resources
- PSAC Local/Branch Officers' Handbook

PSAC Local development

All Locals can ask for PSAC Local Development assistance. This can be accessed through your PSAC Regional Office or by contacting the PSAC representative assigned to your Local.

RESOURCES

Courses offered – PSAC Regional websites
www.psaunion.ca/education

PSAC National website – Education
www.psaunion.ca/education

PSAC Stewards' Resources
www.psaunion.ca/shop-stewards-1

PSAC Anti-Racism Resources
www.psaunion.ca/anti-racism-resources

PSAC Local/Branch Officers' Handbook
www.psaunion.ca/sites/psac/files/2021-03-28_local-officers-handbook-2021-en.pdf

PSAC Regional Offices
www.psaunion.ca/regions

Joint Learning Program (JLP)

If you have taken USJE and/or PSAC training, and want to learn more, the Joint Learning Program (JLP) workshops focus on practical, collaborative application of the principles learned.

The JLP provides a unique opportunity for unionized public servants and their managers in the Core Public Administration to come together to build a healthier, more productive workplace. The JLP is mandated to improve workplace relationships and deepen understanding of the respective roles and responsibilities of the Union and the Employer in the workplace.

Participants can choose to take part in one of seven different workshops, each of which has been designed to achieve the goals of the JLP. These sessions focus on the collaborative aspects of workplace labour relations, and are most helpful for members who are addressing issues with the Employer on a regular basis, such as Shop Stewards or Local Executive members. Each workshop is led by trained volunteer facilitators, who come from the Union and from the management.

Workshops offered are the following:

- Duty to Accommodate
- Employment Equity
- Labour-Management Consultation
- Mental Health in the Workplace
- Respecting Differences / Anti-Discrimination
- Preventing Harassment and Violence in the Workplace
- Understanding the Collective Agreement

The JLP also offers a discussion series on the following topics:

- Mental Health: Let's Talk!
- Anti-Racism: Let's Talk!
- Grounding Ourselves in Uncertain Times
- Returning to the Workplace: Now What?

The cost of participating in JLP training is covered so there is no cost to the Local for participation.

RESOURCE

The **Joint Learning Program**

www.jlp-pam.ca/home-accueil-eng



8C. USJE NATIONAL OFFICE

USJE National Office is located in downtown Ottawa, and undertakes the daily work of USJE. Support from USJE National Office includes:

- Direct representation in grievances at the third level
- Public relations and membership communications
- Consultation with the Employer at the national level, including participation on the National Labour-Management Consultation Committee
- Assistance with the running of Locals and Local events
- Provision of Local membership lists
- Assistance for Local Treasurers
- Reviewing Locals' resolutions during bargaining
- Advising Locals on health and safety, workers' rights, and other issues
- Membership organization and administration
- Accounting and financial reporting
- Supporting National Executive in their meetings with all levels of government

As a Local Officer, you can engage with USJE National Office in the following ways:

Membership – USJEmembers_membresSESJ@psac-afpc.com

Provides

- USJE Member Handbooks and Postcards (including one PSAC Application form per handbook/postcard)
- PSAC Application forms separately
- Management of member and Local information
- Assistance and training on MemberLink and other tools
- Monthly Local membership lists

Labour Relations – www.usje-sesj.com/national-office-contacts

Provides

- Third Level grievance representation
- Transmittal of grievances to PSAC for referral to adjudication
- Subject matter expertise
- Escalation of issues to upper management
- Advice on grievance wording and strategy
- Filing of group or policy grievances
- Response to questions and support to Local Executive and RVPs

Finance & Administration – USJEfinanceSESJ@psac-afpc.com

Remember to

- Submit updated Local bylaws and financial statements – by March 31 every year
- Submit all salary and honorarium expenses
- Request assistance with financial matters

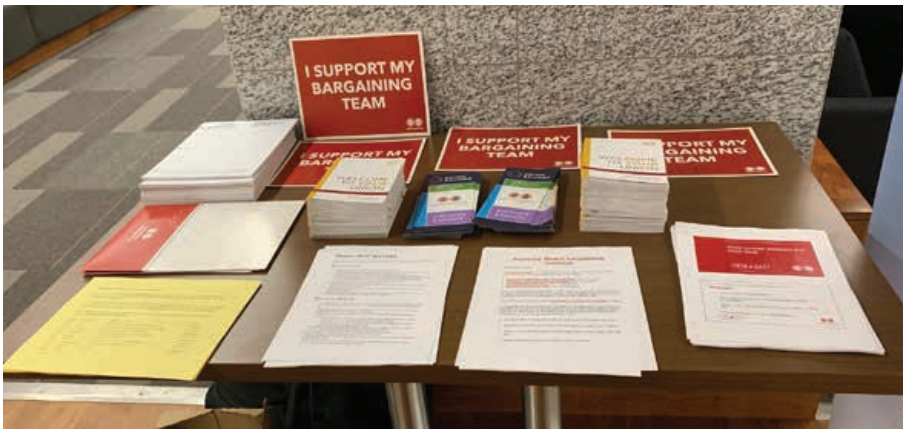
Communications – USJEcommunicationSESJ@psac-afpc.com

Remember to

- Sign up for our national website alerts to receive USJE articles and news
- Follow us on Facebook and Twitter, and like and share our posts
- Send us your photos, videos and news to share
- Write an article for our USJE national website
- Join our YouTube channel and share USJE videos with your members.
- If you are approached by media, please inform your RVP immediately. If your RVP is unable to respond, please liaise with the Policy, Projects and Media Relations team!

For more information on USJE's social media channels, please see pages 40-41.

If you would like other support from National Office, please connect with your Local President, who can liaise with your RVP. Your RVP will be able to direct you to the staff member who can help!



8D. PSAC REGIONAL OFFICES

If your USJE representative is unable to help, you may be referred to your PSAC Regional Office for support. Your PSAC Regional Office offers training, Local development, mobilization and social events, as well as expertise and resources such as the PSAC Local/Branch Officers' Handbook.

For more information on trainings provided by PSAC, please see page 72-74.

PSAC Local/Branch Officers' Handbook

The PSAC Local/Branch Officers' Handbook is a general guide and resource for both newly elected and experienced Local Officers. It describes PSAC political and operational structures and channels of decision-making, while providing practical information and advice for the functioning of an effective Local. In addition, you can learn about the broader labour movement and PSAC's role within it. You can find the Handbook on the PSAC website or obtain a printed copy through your PSAC Regional Office.

RESOURCES

PSAC Regional Offices

www.psaunion.ca/regions

PSAC Local/Branch Officers' Handbook

www.psaunion.ca/sites/psac/files/2021-03-28_local-officers-handbook-2021-en.pdf

8E. USJE TRIENNIAL CONFERENCES

Regional Conferences

Five Regional Conferences are held in the year prior to the year in which USJE's National Triennial Convention is held. The purpose of these conferences is to share information on USJE issues of interest to members in the region and to encourage member participation within the Union. Educational and skill-building sessions are also offered. Each USJE Local is entitled to send at least one delegate to its Regional Conference as per USJE Regulation 6, Section 3.

USJE National Office pays all costs of attending a USJE conference to ensure that every Local can participate.

RESOURCE

USJE Regulation 6, Section 3 – USJE Regulations
usje-sesj.com/en/bylaws-and-regulations/

National Local Presidents' Meeting

The National Local Presidents' Meeting takes place in Ottawa the year after the USJE National Triennial Convention. This meeting offers Local Presidents the opportunity to network, share experiences and develop new skills. The National President, National Vice President, Regional Vice-Presidents, and Presidents of Locals (and Sections within a Local) are eligible to attend, with National Office paying all costs of participation in the meeting.

Regional Bargaining Committee Conferences

In the six months leading up to collective bargaining, USJE holds five Regional Bargaining Committee Conferences (one per region), where Local representatives come together to review and revise Local bargaining proposals. These proposals are then reviewed by USJE's National Executive members and the top proposals are forwarded onto PSAC.

During these conferences, attendees also select USJE representatives to participate in the PSAC National Bargaining Conference. All participants to the PSAC National Bargaining Conference then elect members to the PSAC National Negotiating Team.





9

LEGAL PROTECTIONS

As an elected official of your Local, it's important to understand your rights as a Union representative. Your Employer recognizes the important impact you have on behalf of your members, and, in some situations, they may attempt to interfere or block your efforts to represent your unionized colleagues.

The ***Federal Public Sector Labour Relations Act (FPSLRA)*** and your Collective Agreement protect you from managers who try to prevent you from exercising your legal union rights or those of the members you represent.

If you experience harassment, interference, intimidation or retaliation for, or in, your work as a union officer, your first step in addressing the issue is to contact your Local President, who in turn may contact your Regional Vice-President (RVP). USJE National and PSAC National offices will assist in determining how best to address your complaint.

The recommendation may be to file a Section 190 Complaint with the **Federal Public Sector Labour Relations and Employment Board (FPSLREB)** or a grievance, or both. Contacting your Local President early will ensure you have the most assistance possible from USJE and PSAC in building a strong case to protect your rights as a Union representative.

RESOURCES

Federal Public Sector Labour Relations Act (FPSLRA)

www.laws-lois.justice.gc.ca/eng/acts/p-33.3/

Federal Public Sector Labour Relations and Employment Board (FPSLREB)

www.pslreb-crtefp.gc.ca/en/

9A. THE LAW

The *Federal Public Sector Labour Relations Act (FPSLRA)* states that managers cannot interfere with the Union when it is representing its members, and managers cannot use intimidation or threats to get a member to give up their legislated rights. The prohibited actions, which may constitute an Unfair Labour Practice (ULP) under the law, are set out in s.186 and 189(1) of the *Act*, and can include but are not limited to:

- Making disparaging comments about the Union or its representatives
- Threatening or imposing discipline against Union representatives acting in their union capacity
- Unreasonably refusing access to the workplace to Union representatives
- Discriminating against individuals for their activity within the Union
- Firing employees who want to join a union if they are not already part of one
- Negotiating directly with employees regarding issues covered under the Collective Agreement

If the Employer or a manager commits an Unfair Labour Practice (ULP), a USJE member is entitled to file a Section 190 Complaint (generally known as a “ULP Complaint”) with the Federal Public Sector Labour Relations and Employment Board (FPSLREB).

IMPORTANT:

- A Section 190 Complaint, also known as a ULP Complaint, should be the last recourse, once every other avenue has been exhausted (USJE and PSAC can help members to try to resolve the situation prior to filing a Section 190 Complaint).

There are strict timelines that must be observed when filing a Section 190 Complaint.

When filing a Section 190 Complaint you must ensure you contact your Local President who in turn will contact your RVP right away.

- Filing a Section 190 Complaint should only be done with the advice and guidance of USJE National Office and PSAC.

If the FPSLREB determines that the Employer or manager has breached the Act (s.186 or 189(1)), it can order the Employer and/or the manager to stop the action(s) and remedy the situation.

RESOURCES

Federal Public Sector Labour Relations Act (FPSLRA) s.186 and 189(1)

– Unfair labour practices

www.laws-lois.justice.gc.ca/eng/acts/p-33.3/page-9.html

Section 190 Complaint – For a full description of the process see the *Federal Public Sector Labour Regulations Act (FPSLRA)*, Division 13 Complaints, Section 190.

www.laws-lois.justice.gc.ca/eng/acts/p-33.3/page-9.html

Federal Public Sector Labour Relations and Employment Board (FPSLREB)

www.pslreb-crtefp.gc.ca/en/

9B. THE UNION

If you feel you've been discriminated against because of your union affiliation or activity, you can file a grievance under the No Discrimination article in your Collective Agreement. Most agreements contain an article similar to the following:

There shall be no discrimination, interference, restriction, coercion, harassment, intimidation, or any disciplinary action exercised or practiced with respect to an employee by reason of age, race, creed, colour, national or ethnic origin, religious affiliation, sex, sexual orientation, gender identity and expression, family status, marital status, mental or physical disability, membership or activity in the Alliance, or a conviction for which a pardon has been granted.

PA Collective Agreement, Article 19.01
Expires June 6, 2021

For more on grievances, please see page 45.

9C. DECIDING WHERE TO FILE YOUR CASE

Deciding whether to file a grievance and/or a Section 190 Complaint will depend on the details of the incident. Ask your Local President, who in turn can ask your Regional Vice-President (RVP) for advice.

Examples of actions that violate the law and your Collective Agreement:

- Refusing to promote you because you spend too much time on union business
- Complaining that you file too many grievances
- Threatening discipline if you continue to be involved in the Union
- Noting in a work evaluation that your job performance is affected by union involvement
- Disparaging your union activity or the Union itself
- Attempting to undermine the Union with members – promising things that are outside the agreement, special treatment if members speak out against the Union, or commenting on the Union’s effectiveness or conduct.

Examples of potentially discriminatory actions by a manager:

- Assigning you more than your fair share of less desirable tasks
- Taking away the more interesting parts of your job
- Taking issue with how long you take for lunch, while being flexible with others
- Applying different standards to your work than others
- Isolating you from your colleagues
- Suddenly giving you either too much or too little work
- Deciding that your job performance is no longer satisfactory even though it hasn’t changed.

If you decide to file a harassment grievance or complaint, the onus is on the Union to prove – on a balance of probabilities – that the conduct occurred in the way alleged, and that it meets the definition of harassment.

To do this, you must provide sufficient evidence for your representative (Local grievance representative, RVP and/or Labour Relations Officer) to build a sound case. You must name the manager and clearly show that the unwelcome actions (intimidation, bullying, etc...) took place, as well as demonstrate that the person intended to prevent you from exercising your rights as a Union representative.

For more information on harassment, please see page 63.

9D. PREPARING A STRONG CASE

Clear and comprehensive records are key in presenting a strong case. When doing so, remember to:

- Keep a record of all remarks and incidents you think were intended to intimidate, demean, insult or harass you. You will need evidence of a pattern of behaviour – the more specific, the better.
- Record the dates, times, and locations of remarks and incidents, who was present, and exactly, to the best of your ability, what was said or done.
- Mention your suspicions and perceptions to someone you trust early on.
- Find witnesses who overheard the remarks.
- Keep copies of documents (letters, memos, emails). If things are posted publicly, take photos – if you can – to show their location. Take screenshots of electronic communications (Facebook messages, text messages, instant messages, etc...).

For more information on building a strong case, please see page 51.

To help you collect information on a grievance, please use the PSAC Shop Steward Fact Sheet.

RESOURCE

PSAC Shop Steward Fact Sheet

www.psaunion.ca/sites/psac/files/attachments/pdfs/steward_factsheet_e_final.pdf





10

BACKGROUNDERS

10A. USJE

The **Union of Safety and Justice Employees** (USJE) is made up of more than 16,000 public safety and justice employees working to protect the safety, security and privacy of Canadians in a wide range of critically important jobs in the federal public service.

USJE members work across 18 departments and agencies, which include the:

- Administrative Tribunals Support Service of Canada
- Canadian Human Rights Commission
- Canadian Human Rights Tribunal
- Canadian Security Intelligence Service
- Civilian Review and Complaints Commission for the Royal Canadian Mounted Police
- Commissioner of Canada Elections
- Correctional Service of Canada
- Courts Administration Service
- Department of Justice Canada
- Parole Board of Canada
- Office of the Commissioner for Federal Judicial Affairs Canada
- Office of the Information Commissioner of Canada
- Office of the Privacy Commissioner of Canada
- Public Prosecution Service of Canada
- Public Safety Canada
- Royal Canadian Mounted Police
- Royal Canadian Mounted Police External Review Committee
- Supreme Court of Canada

We work as:

administrative officers
social workers Aboriginal liaison officers
records management clerks coordinators registry clerks
instructors program officers nurses
nutritionists analysts tradespeople assistants
administrative staff **USJE** legal assistants
parole officers technicians
frontline staff teachers detachment assistants
human rights officers registry officers nurse liaisons
technologists senior investigators intake officers
and others

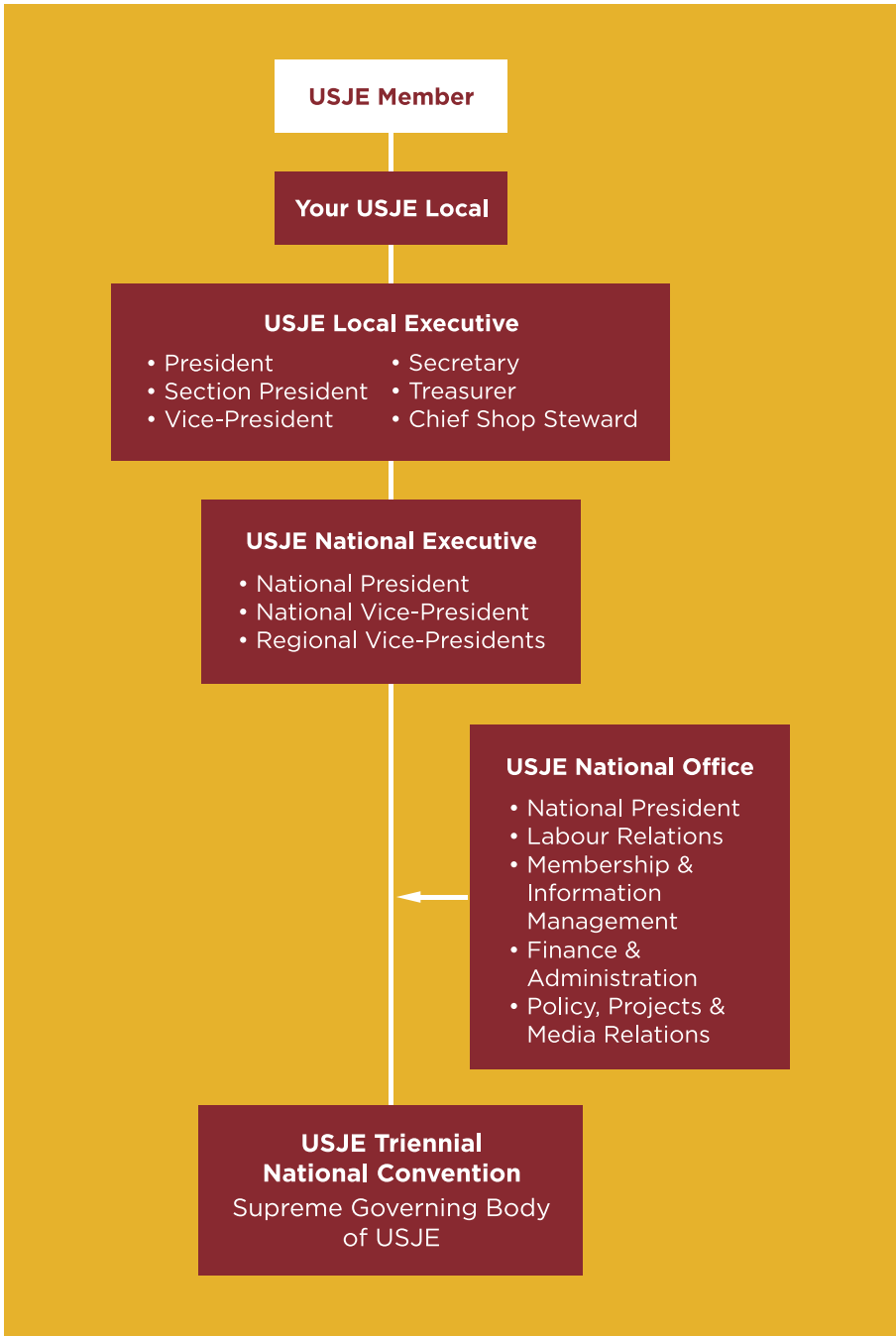
USJE plays a crucial role in helping secure better working conditions, improved benefits, job security and increased pay for our members.

RESOURCE

Union of Safety and Justice Employees (USJE) – Learn more about USJE
www.usje-sesj.com/usje



10B. USJE NATIONAL STRUCTURE



USJE National Triennial Convention

USJE National Triennial Convention is held every three years. It is the supreme governing body of our component. Delegates are democratically elected by their Local union members to represent their Locals at Convention, held every three years. Their duties and responsibilities at Convention include:

- Debating and voting on amendments to USJE Bylaws and Regulations
- Electing a National Executive
- Approving a three-year budget, which establishes USJE National dues for the term
- Voting on other policy resolutions
- Electing delegates to the PSAC National Triennial Convention

USJE National Executive

The USJE National Executive is our Union's governing body between National Triennial Conventions. It meets at least twice a year to oversee the operation of the Union and ensure its accountability to the membership. It is comprised of USJE members elected at Convention by the delegates.

The Executive is made up of the following positions:

- National President
- National Vice-President, elected from the RVPs to serve as National VP, in addition to serving as an RVP
- 16 other Regional Vice-Presidents (RVPs) representing specific groups and geographic regions

USJE's National President regularly meets with the senior leadership teams of all USJE members' departments and agencies to raise issues and to secure changes to help improve the working conditions for all members. The President often invites the National Vice-President, an RVP, and/or staff to participate in these meetings.

USJE RVPs work closely with Local Officers to ensure that Local issues are addressed effectively at the local, regional or, if necessary, at the national level. For more information on the role of RVPs please see page 71.

RESOURCES

USJE National Executive – Learn more
www.usje-sesj.com/national-executive

USJE National Executive – Contact details
www.usje-sesj.com/national-executive-contacts

USJE National Office

USJE National Office is in downtown Ottawa, close to the Treasury Board of Canada and policymakers, whose decisions influence members' workplaces.

National Office staff carry out the daily work of USJE:

- handling 3rd level grievances and complaints;
- offering training to Local Officers;
- organizing national conferences and the USJE National Triennial Convention;
- providing national communications on issues of relevance to our members;
- providing media support to RVPs and the National President;
- supporting the National President and other members of the National Executive at meetings where they advocate for key policy changes with federal ministers, including with the Minister of Public Safety and Emergency Preparedness, the Minister of Justice, commissioners, departmental and agency leadership teams, and Members of Parliament; and
- handling the financial management of the organization.

National Office is run by several teams, each headed by a National Director reporting to the National President. The teams at National Office include the Labour Relations Team (which also manages Membership and Information Management), the Finance and Administration Team, and the Policy, Projects and Media Relations Team.

For a list of services that USJE National staff provide to Local Officers, please see the inside back cover of this handbook.

RESOURCES

USJE National Office – Learn more
www.usje-sesj.com/national-office

USJE National Office – Contact details
www.usje-sesj.com/national-office-contacts



Downtown Dent...

NO JUSTICE
NO PEACE



10C. PSAC

The **Public Service Alliance of Canada** (PSAC) represents more than 200,000 members who work in the federal public service. It is an umbrella union for 15 member unions – called components – including USJE.

PUBLIC SERVICE ALLIANCE OF CANADA PSAC

Agriculture Union

Canada Employment and Immigration Union (CEIU)

Customs and Immigration Union (CIU)

Government Services Union (GSU)

Nunavut Employees Union (NEU)

Union of Canadian Transportation Employees (UCTE)

Union of Health and Environment Workers (UHEW)

Union of National Defence Employees (UNDE)

Union of National Employees (UNE)

Union of Northern Workers (UNW)

Union of Postal Communications Employees (UPCE)

Union of Safety and Justice Employees (USJE)

Union of Taxation Employees (UTE)

Union of Veterans' Affairs Employees (UVAE)

Yukon Employees' Union (YEU)

PSAC deals with the Treasury Board of Canada and other employers. It is the certified bargaining agent for all USJE members, officially negotiating and signing collective agreements as well as negotiating other terms and conditions of employment.

By joining with the thousands of other members in PSAC, USJE members gain greater strength in numbers when negotiating job security, pensions, pay equity and working conditions.

PSAC has a Constitution and Regulations setting out PSAC's objectives and the rules that govern PSAC's conduct and internal organization. The PSAC National Triennial Convention is the supreme governing body of PSAC.

PSAC has seven regions: British Columbia, Prairies, North, Ontario, National Capital Region (NCR), Quebec and Atlantic, and each has a Regional Council of representatives who make decisions with respect to PSAC's regional activity. Each region is governed by regional bylaws that set out the structure, authority and mandate of the Regional Council, and all matters related to the Regional Triennial Convention.

PSAC Regional Offices offer training, mobilization, Local development, and social events, as well as expertise and resources such as the PSAC Local/Branch Officer Handbook.

For more information on PSAC training, please see pages 72-74. For more information on PSAC Regional Offices, please see page 78.

RESOURCES

Public Service Alliance of Canada (PSAC) – Learn more about PSAC:
www.psaunion.ca/about-us

PSAC Constitution and Regulations
www.psaunion.ca/constitution-regulations-0

PSAC has seven regions – Find your region's website:
www.psaunion.ca/regions

PSAC Local/Branch Officers' Handbook
www.psaunion.ca/sites/psac/files/2021-03-28_local-officers-handbook-2021-en.pdf

10D. USJE AND PSAC - AN UNBEATABLE TEAM

When a member joins USJE, they become part of both USJE and PSAC. Together USJE and PSAC form an unbeatable team, providing the strength of two unions behind every member.

Thank you for taking on the extremely important role of a Local Officer. We look forward to working with you to create safer and healthier workplaces for all.



USJE National Office Teams

[Membership](#) - USJEmembers_membresSESJ@psac-afpc.com

Provides

- USJE Member Handbooks and Postcards (including one PSAC Application form per handbook/postcard)
- PSAC Application forms separately
- Management of member and Local information
- Assistance and training on MemberLink and other tools
- Monthly Local membership lists sent from this email

[Labour Relations](#) - www.usje-sesj.com/national-office-contacts

Provides

- Final Level grievance representation
- Transmittal of grievances to PSAC for referral to adjudication
- Subject matter expertise
- Escalation of issues to upper management
- Advice on grievance wording and strategy
- Filing of group or policy grievances
- Response to questions and support to Local Executive and RVPs

[Finance & Administration](#) - USJEfinanceSESJ@psac-afpc.com

Remember to

- Submit updated Local bylaws and financial statements – by March 31 every year
- Submit all salary and honorarium expenses
- Request assistance with financial matters

[Policy, Projects & Media Relations](#) -

USJEcommunicationSESJ@psac-afpc.com

Remember to

- Sign up for our national website alerts to receive USJE articles and news
- Follow us on Facebook and Twitter, and like and share our posts
- Send us your photos, videos and news to share
- Write an article for our USJE national website
- Join our YouTube channel and share USJE videos with your members
- If you are approached by media, please inform your RVP immediately. If your RVP is unable to respond, please liaise with the Policy, Projects & Media Relations team!

USJE National Office Staff contact information

www.usje-sesj.com/national-office-contacts



KEEPING CANADIANS SAFE
usje-sesj.com