



Policy on Representational Services

Effective Date: 23 August 2023

1. Purpose and Scope	The objective of this policy is to provide direction on matters of representation of members.
2. Representation by Institute Staff	<p>The primary responsibility for the representation of members rests with Institute staff, assisted by stewards in the manner set out in the Institute's By-Laws and Policies.</p> <p>Representation before administrative boards and tribunals shall be provided by Institute staff or, at the Institute's discretion, legal counsel retained and instructed by the Office of the General Counsel.</p>
3. Eligibility for Representation	Members who want to contest a decision or action of the employer affecting them directly may be represented by the Institute upon request and subject to consideration of the merits and circumstances of each case and the limitations set out below.



4. Matters Not Eligible for Representation

The Institute will not engage in the representation of its members in any civil or criminal litigation.

The Institute will not engage in the representation of its members in relation to any matters that do not arise out the application or interpretation of the collective agreement, Employer policies, staffing actions or workplace safety and insurance matters.

- For greater clarity, matters for which the Institute will not provide representation include, but are not limited to: employment insurance matters, matters before professional licensing/regulating bodies.
- In the context of any staffing recourse, the Institute shall not represent any successful candidate whose appointment or deployment is being challenged. However, upon request, those members will be provided by the Institute with information on their rights and where to find more information.

Where members choose to pursue matters unrelated to the interpretation or application of the collective agreement on their own or with independently retained counsel at their own expense, the Institute will withdraw its representational services with regard to those particular matters.

5. Grievances

Where a member files a collective agreement grievance that may result in a detrimental adjudication decision that would affect the Group as a whole and/or Institute members in general, the delegated Institute staff member, after consultation with the Group President, shall make a recommendation to the President of the Institute who shall make the decision whether to proceed with the grievance.

Group Executives have the right to be informed of grievances and formal complaints made by their members.

When the Institute disseminates any information about grievances, all particulars that might identify a grievor or the location of a grievor shall be protected and revealed only with the written consent of the grievor.



**6. Policy
Grievances**

A policy grievance shall only be filed upon approval by the General Counsel. **(BOD – 23Aug2023)**

**7. Attendance of
the Grievor or
Complainant**

Grievors or Complainant may attend their grievance hearings and other administrative processes. Attendance may be in person, by telephone or by videoconference, at the Institute's discretion, and subject to the rules of the relevant administrative body. In the case of a policy or group grievance, the Institute shall determine which member(s), if any, shall attend at the Institute's expense. Any travel must be pre-authorized by the Institute.



8. Dissatisfaction of the Grievor or Complainant

Occasionally, there are situations when disagreements arise between staff and members on the handling of the member's individual case. Such disagreements can relate to the strategy to be used or even whether to proceed or not to the best interests of the member or to potential jeopardy of the interests and rights of other members.

When a member and a staff officer disagree on the handling of the member's case, the individuals involved should attempt to resolve differences through an in-depth discussion of the case. The staff officer shall provide the member with a rationale for the strategy being proposed and any supporting jurisprudence for the member's consideration. The member should also put forward to the staff officer, in writing, the reasons for proposing a different approach in the handling of the case.

If an impasse is reached between the member and the staff officer, the matter, along with the legal and labour relations merits of the case and the relevant positions of the affected member and the responsible staff officer, shall be referred to the Director of Regional Labour Relations or, where the matter relates to a classification issue, the Director of National Labour Relations.

If an impasse is reached between the Director of Regional Labour Relations or the Director of National Labour Relations and the member, the matter will be referred to the General Counsel ("GC") who will conduct an investigation. The member will have an opportunity to make submissions to the GC before the GC renders an opinion on the matter to the President. The GC will then prepare an analysis of the situation and make an appropriate recommendation to the President. The analysis and recommendation will not be made available to the member. The GC, in reviewing the case and making a recommendation, will do so on the basis of the inherent *duty of fair representation*.

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The President will review the recommendation of the GC and make a decision on the matter. The decision of the President shall be final. The President's decision will be communicated to the affected member and involved Institute staff as required. **(BOD - 23Aug2023)**



The Professional Institute
of the Public Service
of Canada

L'Institut professionnel
de la fonction publique
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9. References
