

Definitions Respecting Grievance Categories

1. Income Protection & RTW

Income protection plan (IPP) and return to work related grievances continue to make the top five grievance category list. In 2020, most bargaining unit collective agreements had a change to the Income Protection Plan language, and the timelines for submitting a doctor’s note and claim form. Most of the grievances filed in this category are disputes with short-term disability claims. Despite the rise of grievances in this category, it is important to note that the changes to the Income Protection Plan negotiated in most collective agreements in 2020 requiring a doctor’s note on day four of an absence have significantly reduced the number of five (5) day absences.

In addition, the City’s decision to continue to pay employees when they were isolating due to COVID-19 (i.e. P19/P22 leave of absences) may have assisted in decreasing the number of potential IPP and return to work disputes. Without these leaves with pay, the grievance activity in this category would likely have been higher.

2. Discipline

The discipline grievance category encompasses all levels of the progressive discipline process, including verbal, written, and suspension grievances. This category does not include termination grievances as those are recorded in their own category. A discipline grievance is usually filed when the union/employee feels the discipline issued was excessive, a belief the behaviour did not warrant a disciplinary response and/or an attempt to lower the level of discipline.

3. Corporate Policy

The increase in corporate policy-related grievances can primarily be attributed to the implementation of the Mandatory COVID-19 Vaccination Verification Policy and Rapid Antigen Testing Program in 2021. These results are not surprising given the current COVID-19 related circumstances. This includes grievances filed regarding unpaid leaves, rapid testing, and the policy itself. With some provisions of the policy suspended in August 2022, the number of related grievances being filed under this category decreased.

In addition, grievances related to “deemed preventable incidents” and are reviewed by the collision review board, are also filed under this category. The City has a driver safety and compliance manual that governs the obligations of all those city employees who operate City of Hamilton vehicles. The purpose of the manual is to ensure compliance with all rules and regulations as well as to improve the city’s overall CVOR rating. Any incident involving a city vehicle and/or equipment is reviewed at the collision review board and if deemed a culpable/preventable incident, demerit points and discipline commensurate with those points is issued. Grievances are typically filed where an incident is deemed preventable.

4. Hours of Work

Hours of work-related grievances continue to make the top five grievance category list. This category includes overtime, call-in, call-out, standby, and shift schedule matters. Grievances filed in this category can fluctuate depending on how hours of work are scheduled at the operational level. They are often resolved by management at Step 1 of the grievance process.

5. Attendance

The attendance grievance category includes grievances related to statutory holidays. In 2021, the federal government recognized the National Day for Truth and Reconciliation as a federal holiday to be observed on September 30th each year. This holiday is currently not recognized as a provincial statutory holiday in Ontario; however, we received an increase in group and policy grievances in 2021 and 2022 when the City did not recognize the day as a statutory holiday. Similarly, we received statutory holiday group and policy grievances when the federal government designated September 19, 2022 as a National Day of Mourning to honour Queen Elizabeth.