

Duty of Fair Representation

All members have the legal right to fair treatment from the union and its representatives.

Duty of fair representation does not mean that unions have to take every grievance through to arbitration. It means we must judge a grievance on its merits, not on our opinion of the grievor. When reviewing a decision or action of the Union. Labour boards use three standards to decide if the duty of fair representation has been violated:

Is it **arbitrary**? Bad process can lead to problems. A steward's actions are arbitrary if he or she:

- Does not consider the merits of the grievance or complaint
- Does not conduct a meaningful investigation
- Ignores relevant information or takes into account irrelevant factors

Is it **discriminatory**?

- Discrimination occurs when a steward or the union treats a member (s) differently without valid reasons.

Is it in **bad faith**? Bad faith may be proven if he or she:

- Acts on the basis of hostility or ill-will, or deals dishonestly with a member
- Conceals information or lies to a member
- Acts on the basis of a grudge, a personal dislike, or to get revenge.

What does “fair representation” mean for stewards? It means that stewards should:

Represent all union members fairly and honestly. Not only do we have to do this, but we have to be seen to do it.

Keep in mind that issues that seem unimportant to you may be extremely important to someone of another culture, race, sexual orientation, gender, or ability.

Investigate every complaint thoroughly. Keep accurate records of complaint or grievance investigations and meetings with management.

Keep to the timelines for filing and advancing grievances that are set out in your collective agreement.

Keep the member informed. If we proceed with a grievance, update the grievor about the steps that the union is taking to handle the case. Involve them in collecting information and ask them to be with you when you talk to other workers who may have relevant information regarding the case.

Notify the grievor if we are thinking of withdrawing a grievance. He or she has access to an appeal process.

In doubt? Speak to your Labour Relations Officer.

