Policy #12 Representational Services

a) **Purpose and Scope**
The objective of this policy is to provide direction to RCEA Labour Relations ("LR") staff and RCEA members on matters of representation of RCEA members.

b) **Representation by RCEA LR Staff**
The primary responsibility for the representation of members rests with RCEA LR staff, assisted by stewards in a manner consistent with the RCEA's Constitution, By-Laws, and Policies.

Representation before administrative boards and tribunals shall be provided by RCEA LR staff or, at the RCEA's sole discretion, legal counsel retained and instructed by the RCEA.

c) **Eligibility for Representation**
Members who want to contest a decision or action of the employer affecting them directly may be represented by RCEA LR upon request and subject to consideration of the merits and circumstances of each case and the limitations set out below.

d) **Matters Not Eligible for Representation**
RCEA will not engage in the representation of its members in any civil or criminal litigation.

The RCEA 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 RCEA will not provide representation include, but are not limited to: employment insurance matters, matters before professional licensing/regulating bodies, and civil claims (e.g. in tort, for breach of contract, etc.).

- In the context of any staffing complaint process under the Public Service Employment Act and its Regulations (for example, a complaint about the process of an internal appointment), the RCEA shall not represent any successful candidate whose appointment or deployment is being challenged. However, upon request, those members will be provided by the RCEA 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 RCEA will withdraw its representational services with regard to those particular matters. Members should be aware that no grievance related to the interpretation or application of the collective agreement may be referred to or maintained at adjudication before the Federal Public Sector Labour Relations and Employment Board (the "Board") without the RCEA's consent and representation with respect to the same.

e) **Grievances**
Where a member files a collective agreement grievance that may result in an adjudication decision that would affect RCEA members in general, the delegated RCEA LR staff member, after consultation with the RCEA President, shall make a recommendation to the Management Committee who shall make the decision whether to proceed with the grievance.
National Executive Committee ("NEC") Stewards have the right to be informed of grievances and formal complaints made by their members.

When the RCEA 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.

f) **Policy Grievances**
A policy grievance shall only be filed upon approval by the RCEA Management Committee.

g) **Attendance of the Grievor or Complainant**
Grievors or complainants may attend their grievance hearings and other administrative processes. Attendance may be in person, by telephone or by videoconference, at the discretion of RCEA LR staff, and subject to the rules of the relevant administrative body. In the case of a policy or group grievance, the RCEA shall determine which member(s), if any, shall attend at the RCEA's expense. Any travel must be pre-authorized by the RCEA. If not pre-authorized, the grievor or complainant may be responsible for their own travel costs.

h) **Dissatisfaction of the Grievor or Complainant**
Occasionally, there are situations when disagreements arise between RCEA 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 an RCEA staff member 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 RCEA staff member shall provide the member with a rationale for the strategy being proposed for the member's consideration. The member should also put forward to the RCEA, in writing, the reasons for proposing a different approach in the handling of the case.

If an impasse is reached between the member and RCEA staff, the matter, along with the legal and labour relations merits of the case and the relevant positions of the affected member and the RCEA, shall be referred to the RCEA Management Committee.

The matter may, at the discretion of the RCEA, be referred to the RCEA's external legal counsel for evaluation. The RCEA will ask external legal counsel to prepare an analysis of the situation and make an appropriate recommendation to the RCEA. The analysis and recommendation will not be made available to the member as it is solicitor-client privileged information.

Either RCEA LR staff or the RCEA Management Committee, as appropriate, will then review the recommendation of external counsel and make a decision on the matter on the basis of the duty of fair representation. The decision of the RCEA (via its LR staff or the Management Committee) shall be final. The RCEA's decision will be communicated to the affected member and involved RCEA staff as required.