

GRIEVANCE PROCEDURE: WORK DESCRIPTION PROBLEMS

Grievances can be launched around three broad areas – work description problems, classification-related issues and pay and compensation matters. Each is discussed in a separate USGE Local Tool Box topic sheet.

Why is a complete and current State of Duties and Responsibilities so important?

Your salary is compensation for the work you perform. So, it is important that your statement of duties be current and accurate, reflecting what you actually do. The adequacy of the work description provided to the employee is undoubtedly one of the major areas of labour-management friction at the Local level.

However, generally speaking, if the statement of duties for your position is more than four or five years old, it won't accurately reflect the actual duties you perform.

Reasons for inadequate work descriptions are many. Here are a few of the more common reasons why our members find themselves with work descriptions which do not reflect the duties and responsibilities they are assigned and are required to perform:

- Constant reorganizations;
- The introduction of technological change;
- The application of generic work descriptions on a national scale; and
- The lack of revisions to existing work descriptions as work assignments change.

Your collective agreement gives you the right to a complete and current statement of duties and responsibilities – including those your employer requires you to perform that are not in your statement of duties. The majority of Public Service Alliance of Canada collective agreements contain an article similar to the following:

Statement of Duties:

“Upon written request, an employee shall be provided with a complete and current statement of the duties and responsibilities of his/her position, including the classification level and, where applicable, the point rating allotted by factor to his or her position and an organizational chart depicting the position's place in the organization.”

What if I don't have any copy of my Statement of Duties and Responsibilities?

The collective agreement article quoted above provides two primary rights to our members. First, upon request, there is an entitlement to receive the statement of duties and responsibilities and, where applicable, the point rating allotted by factor to the position encumbered. Second, that the statement of duties provided must be both

complete and current. Employees are also entitled to the organizational chart depicting the position's place in the organization.

If you don't have a Statement of Duties and Responsibilities, ask for and obtain one. If your employer does not provide you with this Statement in accordance with the terms of the collective agreement, then you should grieve the failure to do so.

Once you have the Statement of Duties and Responsibilities, you should review the job description that is given to you and ensure it is complete and current. Where a member contends that the Statement of Duties and Responsibilities provided by management is neither complete nor current, a grievance under the Statement of Duties article of the applicable collective agreement is the appropriate first step to take.

How do I proceed with the grievance?

You should file a grievance alleging that the employer has failed to provide you with a complete and current statement of duties. The remedy (corrective action) should be that the additional duties be added to your statement of duties.

You will be required to specify the duties (this does not and should not be detailed) that you want added to your statement of duties, provide evidence that you are performing them on a regular basis and – very importantly – that these duties are performed at the request or under the direction of the employer.

The wording for the grievance should be simply:

"I grieve the employer's failure to provide me with a complete and current statement of duties and responsibilities. This violates Article ____ (Statement of Duties) of my collective agreement."

The corrective action requested should be noted as:

"That the duties be added to my statement of duties in order to meet the requirements of Article ____ (Statement of Duties) of my collective agreement."

You should list the duties you wish to have added to your job description. However, do not attach this list to your grievance! Rather, give it to your Union Representative.)

Such grievances are processed in accordance with the grievance procedure article of the applicable collective agreement and may proceed to adjudication if not resolved.

Filing a grievance correctly is an important step in resolving any issue in a manner that is acceptable to you. A number of factors must be considered in preparing a grievance concerning your statement of duties.

First, you need to cover the issue of the date of application, or retroactivity, in the event that you are successful in your grievance. Second, you need to cover the issue of possibly filing other grievances, such as for acting pay. Third, you need to consider filing a classification grievance, since, if you are successful in having the new duties recognized, your position may require a new classification decision.

An important note:

If you wish to increase your chances of getting the desired effective date, an acting pay grievance should be filed at the beginning of the process. However, this grievance should be put on hold pending the statement of duties and classification review/grievance process. Consult the topic entitled "Grievance Procedure: Pay Issues", contained in the *USGE Local Tool Box*, for further useful information.

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