

What is a Grievance?

It depends on what your contract says. A grievance may be defined as a contract violation or a violation of laws, policies, or past practices. Most collective bargaining agreements include a definition of a grievance, usually in the first paragraph of the grievance procedure. Every contract is different, and your contract language may include other kinds of disputes or it may exclude certain issues from the definition of a grievance. You can start by asking yourself:

Did management violate any of the following?

- The contract
- A past practice
- A work rule or regulation
- A policy or procedure
- A federal, state, county or municipal law
- A health and safety regulation

Did management violate workers' rights?

Did management take unfair action by:

- Discriminating against a worker
- Harassing a worker
- Disciplining a worker without just cause

If the answer to any of these questions is yes, there's a good chance a formal grievance may be one way to address the issue. Always, check your contract language to confirm.

Is It a Past Practice?

Long-term agreements in a union workplace can sometimes take on the status of contractual policies even if they are not written down. To establish a past practice is legally enforceable, you need to show the practice has:

- existed for a reasonably long time
- occurred repeatedly
- was a clear and consistent course of conduct
- was known to both parties, and
- was accepted by both parties.

See page 104 for more on Past Practice.

