



Standard Operating Procedures on Grievance Handling

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The following is intended to help local union representatives navigate the grievance process within the Canada Border Services Agency (CBSA) and the federal public service. Union representatives may also wish to consult the companion piece [The Grievance Process for Union Reps](#).

The information below is based on the process outlined in Article 18 of the [FB \(Border Services\) collective agreement](#). Local union representatives may wish to consult the CIU National Labour Relations Officer assigned to their Branch for grievances that fall under other collective agreements.

General considerations

Union representatives should ensure that grievances are worthwhile and will not create bad precedents. While the role of union stewards is not to dissuade members from filing grievances, it is their duty to provide the best advice possible. Occasionally, filing a grievance is not the best course of action. Other options may include open discussions with management or, depending on the root of the issue, a workplace violence complaint (NICE) or participating in the Informal Conflict Management System (ICMS) process. Stewards should be with their Branch President or a member of the national executive to determine whether a grievance is meritorious or whether there have been prior resolutions to the issue.

Some questions to ask to determine if the issue is best served by filing a grievance are:

- Does this dispute include a violation of the Collective Agreement/Treasury Board policy/internal Agency policy?
- If the issue is regarding an appointment or an assignment, should the member be filing a Staffing Complaint?
- If the issue is regarding the release of personal information, review of video surveillance without permission from the Security Officer, or complaint regarding ATIP results, is this a Privacy complaint, best sent to the Privacy Commissioner?
- Is this an issue that requires resolution immediately to be of any benefit to the member?
- How long has passed since the incident has occurred? As per section 18.15 of the Collective Agreement, the member has 25 days after they were notified of such, **or** first became aware of the actions or circumstances giving rise to the grievance. Example: A leave denial was sent to the member via email on their first day of rest, but they do not see it until their first day back to work. The 25-day time frame would start from the day they saw the email.

Steps in filing a grievance

Step 1: Meet with the member to discuss all aspects of the issue. Which article of the collective agreement, policy, or legislation is the member saying was violated? Ensure you have all the facts by asking the right questions. If it is helpful, have the member type up a narrative outlining the events. **Do not use Agency computers for union related matters (Union representatives are permitted to discuss grievances/discipline with management via work email when it comes to scheduling of meetings or sending requested information).**

- **Note:** Policy grievances (as opposed to individual grievances) must be approved by both the CIU National President and the PSAC National President, and are heard only at the final level.

Step 2: Construct the grievance wording. The grievance should include a brief sentence or two outlining what you are grieving. It should state the specific article(s) being grieved and contain the words “all other CA language and policies.” In duty to accommodate situations, the grievance should include language highlighting that the member was denied a reasonable accommodation. It should also claim discrimination in violation of article 19 and the Canadian Human Rights Act.

As you will have an opportunity to present detailed evidence at the grievance hearing, there is no need to include it on the initial grievance language. Of note, section 18.09 of the Collective Agreement states that a grievance shall not be deemed invalid solely because it is not in accordance with the form supplied by the employer. This means that we (the union representative) may submit a grievance on a CIU-developed form, and that you do not have to use the one provided by the Agency.

Example of grievance wording:

Details of the grievance: *I grieve the employer denial on January 1, 2025 of personnel selection leave requested for January 25, 2025 as per section 48.01 of the Collective Agreement.*

Recourse: *I demand that management approve my personnel selection leave for January 25, 2025, and I be made whole.*

At minimum, the recourse should include the words “to be made whole, and any recourse deemed reasonable in the circumstances,” along with any specific corrective action the grievor wishes to see included.

Important: If you require help with and/or clarification regarding the correct wording, please consult with CIU Labour Relations.

Step 3: Have the member sign/date the grievance. You as the steward will sign/date as well, and include your contact information (personal or work, it’s your choice)

Step 4: Either you or the member can have a manager (does not have to be the member’s manager, however, they may want a specific person to maintain privacy) sign the grievance.

Step 5: The manager will return a signed copy of the grievance to you and the member. This will include a grievance number issued by CBSA Labour Relations. Instruct the member to retain the copy in preparation for the Level 1 hearing. The manager has the responsibility to transmit grievances. There are times when it could take a few days to receive a grievance number. Begin a file (paper or electronic) to keep all documents and evidence, including arguments in favour of the grievance.

Step 6: Gather evidence in support of the member (such as highlighted excerpts from internal policies, jurisprudence, etc.). Previous relevant decisions can all be found on the [Federal Public Sector Labour Relations and Employment Board website](#).

What to expect

Level 1

A Level 1 grievance hearing will be conducted by a manager at the Superintendent level, with an additional manager (usually another Superintendent) attending to be the note-taker (note: This will be different for members in work locations without Superintendents. Please refer to the relevant CBSA **designation of levels of management**).

This is the time when you and/or the member will present the background/details of the issue leading to the grievance, as well as any evidence you wish to be considered. It is helpful to print evidence and have copies ready for the manager (policies, etc.) as a time-saving maneuver.

Feel free to use the presentation to ask questions on management's reasons for making their decisions or to seek data and/or evidence for better arguments at further levels in the grievance process. The presentation will be conducted any way you and the member choose, and in whatever way the member feels most comfortable.

Depending on the nature of the grievance, you may just be there for support and to take notes, or you may be the only one speaking. Certain grievances can be emotional for the member, and they may not wish to participate at all. It is not required that the member be present for the meeting, but they usually will be as common practice. During the presentation, take note of management's comments and include this information, along with your presentation, in the file.

As per section 18.17 of the Collective Agreement, the employer has 10 days (excluding weekends and holidays as per section 18.20 of the Collective Agreement) to respond to any level 1 grievance submissions.

- See: [Grievance presentation form](#)

Level 2

If the Level 1 grievance is denied, the member has the option now to either drop the grievance and accept the denial, or elevate it to the next level. Level 2 grievances are usually presented to the District Director (there will be differences for IEOD, Programs, and PA group grievances). The grievance process outlined in the FB collective agreement now has three levels and, as per article 18.11, does not allow any level to be skipped. When applied to CBSA employees, the PA collective agreement may also be considered to have only three levels to conform with CBSA practices. When in doubt, please refer to the language of the relevant collective agreement or consult your Branch President and/or CIU Labour Relations Officers.

The final level in each collective agreement is held between CIU National and CBSA HQ Labour Relations, and is a required level, in order for the grievance to be heard at adjudication before the Labour Board.

As per section 18.17 of the Collective Agreement, the employer has 10 days (excluding weekends and holidays as per section 18.20 of the Collective Agreement) to respond to any level grievance presentations. CIU National generally encourages presentation at all levels in order to gather information and have the employer's position on paper.

- See: [Grievance transmittal form](#)

Final level

Final level grievances are reviewed and analyzed by a CIU Labour Relations Officer, at which point — based on merit and priority — consultation happens between the CIU Labour Relations Officers and Senior CBSA Labour Relations in Ottawa.

This level, unfortunately, takes the longest. If a grievance proceeds all the way to the final level, the member should expect to wait months, not weeks. The grievance procedure is considerably backlogged, which is why PSAC and CIU are fighting with CBSA and the Treasury Board at a national level to improve and streamline this process.

As per section 18.17 of the Collective Agreement, the employer has 20 days (excluding weekends and holidays as per section 18.20 of the Collective Agreement) to respond to any final level grievance submissions.

- All final level grievance must be signed by a member of the Executive.
- All policy grievances must be signed/approved by both the CIU and PSAC National President.

Immediately upon the transmittal to final level, email CIU National at grievance@ciu-sdi.ca with the transmittal and the original grievance presentation form if possible. If the Branch waits for CBSA to notify CIU National of transmittal, it delays the process of seeking at ATIP and delays processing the grievance in the CIU National database. The file sent to CIU National should include:

- The Grievance presentation form
- The Grievance transmittals, management replies, arguments presented to management, emails or evidence of grievance

Examples of documents to include for discipline cases:

- The Fact Finding meeting invitation email/letter from management to the member. If it is an investigation involving an indefinite suspension (whether administrative pending discipline or security status related), include the letter of indefinite suspension.
- Typed notes from fact finding meeting (often the handwritten meeting minutes are illegible).
- If a Professional Standards Investigation (PSI) is involved, include the letter of invitation to PSI, any notes taken after interview, whether the allegations were presented beforehand (whether the allegations were clearly outlined or not), how soon beforehand, whether the member was given the opportunity to respond to conflicting testimony, the completed PSI report with results
- The pre-discipline meeting invitation email/letter from management to the member.
- Typed notes from pre-discipline meeting (especially mention specific mitigating factors presented and any aggravating factors management stated and allowed you to respond to, they should not be adding aggravating factors to the Discipline Letter that were not presented at the Pre-discipline meeting). Criticism grievor/union rep had of the investigation — whether PSI or District managed investigation (for example, whether all witnesses were interviewed, whether management released reports or evidence, excessive delays, etc.).
- The invitation to a disciplinary meeting email/letter, along with the Letter of Discipline, and typed notes from meeting.
- Any relevant emails, reports, evidence.
- Ideas for recourse (more relevant for discrimination or Duty to accommodate grievances), receipts for medical expenses, sick leave and personal leave usage, SLWOP or LWOP usage related to the grievance, etc.

Additional items of note

- **As per section 18.22 of the Collective Agreement**, any time limit extensions must be mutually agreed upon.
- **As per sections 18.23 and 18.24 of the Collective Agreement**, terminations are sent directly to the final level. Please ensure you notify CIU National as soon as possible of the termination of any employee at grievance@ciu-sdi.ca.
- **As per section 18.16 of the Collective Agreement**, a grievor may elevate the grievance to the next level if either the response to the previous level was not satisfactory, **or** if the 10 day time frame has elapsed.
- **As per section 18.08 of the Collective Agreement**, the employer is responsible for transmitting the grievance and provide the grievor with a receipt stating the date the grievance was received.
- **As per section 14.07 of the Collective Agreement**, the employer **will**, subject to operational requirements, give reasonable time with pay for the member to consult with their union steward.
- **As per section 18.14 of the Collective Agreement**, 'an employee may be assisted and/or represented by the Alliance when presenting a grievance at any level.'

Management has no right to select the steward. The choice of representative is left up to the Executive to appoint, and/or the member to choose. Generally, the Union will support which ever steward the member chooses and feels most comfortable with. **The Agency is not allowed to interfere with union business by meddling in the selection of the steward.** If this occurs, involve a member of the Executive in order to help clarify the situation. This is also true for disciplinary cases.

If a manager instructs you as the steward that you must remain silent, this is not correct. The grievance process is in place for the benefit of the member, and you as the steward are absolutely allowed to speak. Decide on a plan of action with the member prior to entering the meeting. **During a grievance meeting, the manager representative and you are peers, and should be showing mutual respect.** No side can tell the other they cannot speak.

Useful forms

- [Grievance Presentation Form](#) – this is the form used to present a grievance at the **first level**.
- [Group Grievance form](#) – this is used to transmit any level 1 group grievances.
- [Grievance Transmittal Form](#) – this is the form used to transmit grievances to **any higher levels**.
- [Steward fact sheet](#) – this should be filled out as soon as the grievance process begins. This form is desired by the PSAC when grievances go to the final level, and having it at least started at level 1 is helpful if/when the grievance proceeds to the final level.

Special thanks to J. Monk, Vancouver Branch, CIU Local 20040, who drafted the original version of this document.