

Dispute Resolution Process

Conducting a Resolution Meeting

Scheduling

The resolution meeting is scheduled at a mutually agreeable time. Both parties should gather available dates and times as early as possible and share them with the other side.

Preparation

It is important to prepare for the resolution meeting. A few items to consider before you arrive for the resolution meeting are:

1. Identify the Problem
2. Ensure you have all relevant information
3. Identify possible solutions

Attendees

The Collective Agreement language contemplates having people at the resolution meeting who are capable of resolving the issue. Each party determines who will attend on their behalf. Generally, the Employer will have HR, a Manager, and a Director present, while the Union will have a Labour Relations Officer (LRO), Local representative, and grievor present. Each party retains final discretion to determine who attends on their behalf and how they choose to do so (i.e. in-person [preferred], by telephone or by video conference/streaming).

The parties need to identify issues that may require specific expertise or knowledge. Those issues include: provincial bargaining unit-wide issue, pensions, benefits, or payroll process.

Setting

The parties have developed a preamble and treaty rights acknowledgement to use at the start of a resolution meeting that reminds all attendees of the expectations during a resolution meeting.

The Meeting

- ▶ **Problem Identification** – This is an informal process. It does not matter who speaks first. There is no “hearing officer” or adjudicator. Discuss if there are any underlying issues that need to be dealt with. All participants should be actively engaged in the discussion.

- ▶ **Exchange Information** – Resolution of the dispute is supported by full disclosure of relevant information. As a general rule, if either party will need to disclose information at arbitration then it should be disclosed at the resolution meeting. Discuss relevance, openly. A request for information should not be a fishing expedition to create issues. For additional guidance refer to the Joint Statement re: Disclosure of Information.
- ▶ **Identify Possible Solutions** – Get beyond the positions and the redress set out in the dispute form. At this stage, you should avoid evaluating or criticizing the identified options.
- ▶ **Identify Solution(s)** – Determine if there is an option that is acceptable to both parties, or, if more than one is acceptable, choose the best option.
- ▶ **Implementation** – Discuss terms of the agreement, timeframes for implementation, etc.
- ▶ **Next Steps** – If no resolution is identified during these discussions, then you may be able to reach agreement on procedural disputes:
 - Determine if more information is required, or if further discussion will lead to a solution and, if so, make arrangements, OR
 - Discuss the next steps in the process, such as obtaining the assistance of a third party (either external such as a mediator, or internal such as UNA provincial office, Dispute Resolution Advisory Committee). Do not advance an issue without attempts to resolve it.

Roles

Everyone shares responsibility to work towards resolution and to support a safe environment.

- **LRO:** Contributes process and Collective Agreement expertise. Generally, will introduce the issues, information, interpretations, and possible solutions on behalf of the Union, Local and the Employee(s).
- **HR:** Contributes process and Collective Agreement expertise. Generally, will introduce the issues, information, interpretations, and possible solutions on behalf of the Employer.
- **Director/Executive Director:** As a senior member of management, the Director/Executive Director provides experience. Their role at the resolution meeting is to take a fresh perspective on the issues, information, interpretations, and possible solutions.

- **Grievor:** The grievor may share their explanation, understanding, interests, perspectives, and possible solutions.
- **Unit/Program Manager:** As the manager who made the decision, they share their rationale, understanding, interests, perspectives, and possible solutions.
- **Local Representative:** The Local Representative contributes an understanding of the Collective Agreement and nursing practice. They share their understanding, interests, perspectives, and possible solutions.