



UNION OF SAFETY AND JUSTICE EMPLOYEES

## MEMORANDUM

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**TO:** USJE National Executive

**FROM:** Melanie Crescenzi, Director of Labour Relations

**DATE:** May 24, 2024

**RE:** Work Description Grievances

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### **PURPOSE:**

The within Memorandum with attachments is to provide a Template to be used when preparing and presenting Work Description Grievances and to provide a guide for members and representatives to better understand Work Description Grievances.

Work Description Grievances are also known as “Statement of Duties Grievances”; “Job Content Grievances”; “Job Description Grievances”; etc. These terms are used interchangeably; for the purpose of this Memorandum, we are using the term “Work Description Grievances”.

### **WORK DESCRIPTION GRIEVANCE:**

Attached hereto is a **WORK DESCRIPTION GRIEVANCE PRESENTATION TEMPLATE**.

On a going-forward basis, the USJE is requesting that the attached Template be completed and included with all work description grievance files. This template should be completed prior to the Level 1 presentation and, ideally, when possible, prior to the member filing a work description grievance. Members and/or Representatives can use the completed template, with supporting documents, to prepare for their grievance hearings.

The Template will ensure that the proper work description review exercise is undertaken at the onset of the grievance process and that the information and material that is crucial to a Work Description Grievance is included in the file.

## **GUIDE TO WORK DESCRIPTION GRIEVANCES:**

Attached hereto is the **USJE GUIDE TO WORK DESCRIPTION GRIEVANCES**. This short Guide assists in understanding (1) what are the Collective Agreement entitlements relating to work descriptions; (2) when and how a work description grievance should be filed; and (3) what are the possible outcomes of a work description grievance.

Please note that the Guide is for reference purposes only. Like all labour relations matters, each case has its own set of facts that could lend to a different path or outcome than what is set out in the Guide.

Respectfully yours,



Melanie Crescenzi  
Director of Labour Relations

Encl. *Work Description Grievance Presentation Template*  
*USJE Guide to Work Description Grievances*

**c.c.:** **David Neufeld**, National President USJE  
**USJE Directors**  
**Danielle Fawcett**, USJE Head of Information Management  
**USJE Labour Relations Officers**

## WORK DESCRIPTION GRIEVANCE PRESENTATION

|   |                                                                                    |  |
|---|------------------------------------------------------------------------------------|--|
| 1 | Name                                                                               |  |
| 2 | Personal Email                                                                     |  |
| 3 | Phone Number                                                                       |  |
| 4 | Grievance Number                                                                   |  |
| 5 | Position Title and Group & Level                                                   |  |
| 6 | Have others in your unit filed a grievance for the same issue?                     |  |
| 7 | If yes to #6, please provide the names. If you do not know the names, leave blank. |  |

### Background

Describe the circumstances which led to the filing of this work description grievance, for example:

- There were changes to the duties or the organizational context rendering the current work description inaccurate. These changes include...XXX.
- The work description was last reviewed several years ago, and it should be reviewed and updated.

## Documents to Include

When presenting a work description grievance, please ensure to include the following:

- ☐ Current Work Description
- ☐ Rating/Score for the position
- ☐ Organizational Chart
- ☐ Supporting evidence that duties were assigned by management (i.e.: email, chat)

If you have any additional information, please provide it on a separate sheet and attach it to your submissions.

## Missing task(s) and Justification

When completing this table, you should consider the following: knowledge, skills, level of authority, complexity of task, supervision, etc.

| Missing Task (not found in Job Description) | Justification for Change/Addition |
|---------------------------------------------|-----------------------------------|
|                                             |                                   |
| Missing Task (not found in Job Description) | Justification for Change/Addition |
|                                             |                                   |
| Missing Task (not found in Job Description) | Justification for Change/Addition |
|                                             |                                   |
| Missing Task (not found in Job Description) | Justification for Change/Addition |
|                                             |                                   |

*If more than four, please complete the attached table.*

|                                                    |                                          |
|----------------------------------------------------|------------------------------------------|
| <b>Missing Duty (not found in Job Description)</b> | <b>Justification for Change/Addition</b> |
|                                                    |                                          |
| <b>Missing Duty (not found in Job Description)</b> | <b>Justification for Change/Addition</b> |
|                                                    |                                          |
| <b>Missing Duty (not found in Job Description)</b> | <b>Justification for Change/Addition</b> |
|                                                    |                                          |
| <b>Missing Duty (not found in Job Description)</b> | <b>Justification for Change/Addition</b> |
|                                                    |                                          |
| <b>Missing Duty (not found in Job Description)</b> | <b>Justification for Change/Addition</b> |
|                                                    |                                          |
| <b>Missing Duty (not found in Job Description)</b> | <b>Justification for Change/Addition</b> |
|                                                    |                                          |

## USJE Guide to Work Description Grievances

This guide aims to provide members with a clear understanding of how to effectively address work description grievances.

### **Understanding Your Rights Under the Collective Agreement**

Your collective agreement ensures you have the right to a complete and current statement of duties and responsibilities:

#### *Statement of duties:*

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

The Statement of Duties provision can be found under article 57.01 of the PA Collective Agreement, article 31.01 of the EB Collective Agreement and article 59.01 of the SV and TC Collective Agreements.

### **When to File a Grievance:**

You should consider filing a work description grievance if:

- You've been asked to perform duties and responsibilities significantly beyond your current work description; or
- You receive a new work description that you believe to be incomplete.

Timelines to keep in mind:

- To trigger the process, you should follow the language of the collective agreement. That is, you should provide a written request to the employer seeking:
  - the statement of duties and responsibilities for your position;
  - the classification level for your position;
  - where applicable, the point rating allotted by factor for your position; and
  - an organization chart depicting your position's place in the organization.

If you believe that the statement of duties and responsibilities is incomplete and not up-to-date, a work description grievance should be filed within the 25 days after you receive the above-listed documents from your employer; or

- A work description grievance should be filed within 25 days after the receipt of a new and incomplete work description.

**What you need when filing a Grievance:**

- A grievance form and the USJE Work Description Grievance Presentation Template;
- Ensure you have the latest version of your work description and point rating;
- Analyze your work description line by line and highlight what is inaccurate or missing, keeping in mind that the volume of a task is not a factor. Focus on missing tasks that require additional knowledge and skill as these are likely to influence your position's point rating;
- To substantiate your grievance, collect concrete evidence such as emails or examples of work that demonstrate that you are being asked to regularly perform duties or take on responsibilities that are not captured in your current work description.

**Possible Outcomes:**

Below are possible outcomes following the presentation of a work description grievance:

1. The grievance is upheld and the Work Description is updated to include all identified additional duties and responsibilities.\*
2. The grievance is partially upheld and the employer agrees to update the Work Description to include some, but not all, identified additional duties and responsibilities.\*
3. The grievance is denied and there are no changes to the Work Description.

\*Having duties added to a work description is considered a successful outcome to a work description grievance. However, having new duties added to a work description does not guarantee that the work description will be reclassified upwards.

Generally, when a Work Description has been changed, it should trigger a classification exercise to evaluate the position classification using the updated work description. Since the classification exercise evaluates all the duties and responsibilities (not just the newly added duties), the possible outcomes for the classification review are that (1) the position is upwards reclassified; (2) there is no change in the classification; or (3) the position is downwards reclassified.

### **Grievance Process:**

- Work description grievances go through the employer's standard grievance process, typically involving multiple levels of review (i.e.: Level 1, 2 and 3 of the grievance procedure).
  - On their own, work description grievances will not result in an increase in classification. The purpose of the work description grievance is simply to ensure that the duties and responsibilities of a position are adequately captured. That is, the Work Description contains a complete and current statement of the duties and responsibilities for your position.
- Classification grievances are handled exclusively by the PSAC. They are a separate process from the work description grievances.

Remember, your rights to a complete and current work description are protected under your collective agreement, ensuring your duties and responsibilities are accurately captured and recognized. Ensuring that you have all the necessary information and documentation to support your work description grievance *prior* to proceeding to a Level 1 hearing will greatly assist you and your representative in putting forward an arguable case for changes to be made to your work description.