



RECOURSE MECHANISMS: THE ADJUDICATION PROCEDURE

Mediation, Expedited Adjudication and formal Adjudication are three ways in which grievances, which have exhausted the internal departmental grievance procedure, may be resolved under the Public Service Labour Relations Act (PSLRA).

Prior to any formal hearing, the parties may agree to the appointment of a mediator from the Public Service Labour Relations Board (PSLRB). The principal benefit to mediation is that it is a joint process whereby a mutually beneficial agreement can be reached. The mediator encourages each party to consider the interests of the other party, identifies the issues, explores and collaborates on possible bases for agreement. The mediator never imposes a decision.

Expedited adjudication is a process whereby an agreed Statement of Facts is prepared and presented to the Chairperson of the Public Service Labour Relations Board, who renders a decision. Unlike a formal decision rendered by an adjudicator, these decisions are not precedent-setting.

Adjudication is a formal hearing before a neutral third party, where each side to the grievance can submit their arguments, examine witnesses and where a formal decision is rendered. The decision rendered by the third party — the adjudicator — is final and binding, unless overruled by either the Federal or Supreme Court of Canada following an appeal which alleged the adjudicator made an error in law in the decision.

The adjudication procedure is outlined in the collective agreement and in article 209 of the *Public Service Labour Relations Act*.

An employee may refer, to adjudication, an individual grievance that has been presented up to, and including the final level in the grievance process, and that has not been dealt with to the employee's satisfaction if the grievance is related to:

the interpretation or application in respect of a provision of a collective agreement or an arbitral award;

a disciplinary action resulting in termination, demotion, suspension or financial penalty;

Before referring a grievance alleging violation of the collective agreement, an individual must obtain the approval of his or her bargaining agent to represent him or her in the adjudication proceedings.

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