

## **Executive Committee Policy – Representation Services**

### **Union Representation**

1. The Association of Justice of Counsel (AJC) has the authority to provide representation services to members who may be subjected to discipline by the employer or other working conditions that give rise to a grievance.

### **Request for Representation Services**

2. Members must request representation from the AJC by completing an [Intake Form](#) on the AJC website, or sending an email to the AJC Head Office at [admin@ajc-ajj.ca](mailto:admin@ajc-ajj.ca).

### **Approval of Representation**

3. The AJC's Labour Relations Officers and Director of Representation Services make the initial determination of whether to offer representation services.

### **Appeal of denial of representation services**

4. If the member disagrees with the determination of the Director of Representation Services, they may ask the Representation Committee to reconsider the decision.

### **The Role of the Labour Relations Officers and the Director of Representation Services**

5. The Director of Representation Services, or their delegate, will prioritise requests for representation based on the information provided in the Intake Form or email. The Director of Representation Services, or their delegate, will assign a Labour Relations Officer to each request.

### **Labour Relations Officers**

6. The Labour Relations Officer assigned to each request is responsible for assessing the request and advising the member of possible options. They are also responsible to determine whether to file of an individual grievance with the Employer.

### **Factors in Decision to Represent**

7. These decisions make take a number of factors into consideration, including but not limited to:
  - a. the merits of the case including timeliness;
  - b. The appropriateness of the grievance forum;
  - c. The particular circumstances of the member;
  - d. The potential overall benefit to the membership;
  - e. The timeliness of the matter;
  - f. Whether any reasonable offers to settle were tabled and refused by the member;  
and;
  - g. Potential conflicts of interest that may exist or arise.

## **Dispute Resolution**

8. A grievance is not the only possible option to resolve a member's issue. Other possible recourses may exist, such as informal conflict resolution, mediation, complaints, investigations, or matters before the courts or tribunals other than the Public Service Labour Relations and Employment Board. The Labour Relations Officer may recommend that the member seek a recourse in another forum.

## **Member Appeal Rights from Labour Relations Officer**

9. Where the member disagrees with the decision of the Labour Relations Officer, they may appeal, withing 10 business days for a determination from the Director of Representation Services.

## **Member Appeal Rights from Director of Representation Services**

10. If the member disagrees with the determination of the Director of Representation Services, they may, within 10 business days, ask the Representation Committee to reconsider the decision.

## **Loss of Right To Grieve**

11. Where the Labour Relations Officer has approved filing a grievance on behalf of the member, and the member has refused to sign the grievance within the requisite time limits, the member is deemed to have forfeited their right to union representation.

## **No appeal from decision of the Representation Committee**

12. Barring exceptional circumstances, there will be no recourse to a final determination from the Director of Representation Services, or a request for reconsideration by the Representation Committee.

## **Composition of the Representation Committee**

13. The voting members of the Representation Committee include members of the Executive Committee and the Governing Council. It is chaired by the Vice President of Labour Relations or their delegate.

## **The Role of the Representation Committee**

14. The Representation Committee is responsible for determining:
  - a. whether a group grievance or a policy grievance should be filed with the Employer;
  - b. whether any AJC grievance is appropriate to be sent for adjudication before the Public Service Labour Relations and Employment Board;
  - c. The Representation Committee may also make decisions regarding applications for reconsideration of decisions regarding representation made by the Director of Representation Services. Considerations regarding applications for reconsideration include but are not limited to:
    - i. The merits of the case including timeliness and any material changes of fact;
    - ii. The appropriateness of the grievance forum;

- iii. The particular circumstances of the member;
- iv. The potential overall benefit to the membership;
- v. The timeliness of the matter, and in particular, if timelines were met;
- vi. Whether any reasonable offers to settle were tabled and refused by the member;
- vii. Potential conflicts of interest that may exist or arise; and
- viii. If applicable, whether the AJC provided representation during the initial proceedings.

#### **Timelines for transmission of decision**

15. The decision of the Representation Committee must be communicated to the member in writing by the Vice President Labour Relations, or their delegate, within 10 days of the meeting of the Representation Committee.

#### **Where Representation of a Member is not Approved**

16. Where the AJC decides not to approve representation services, the member is free to pursue the individual grievance process, adjudication, and/or such other procedures, at their own expense, subject to Bill C-4, ss. 325(2)(3) and 326(2) amending PSLRA, ss. 208 (4) and 209(2) of the Public Service Labour Relations Act (“PSLRA”), as amended from time to time.

#### **Communications with AJC Staff Members and the Use, Collection and Disclosure of Personal Information**

17. Communications between a member and an AJC union representative are not solicitor-client privileged. The advice provided to members by AJC union representatives, including staff Labour Relations Officers, the Director of Representation Services, or a member of the Representation Committee, constitutes advice of the union and is generally not protected by solicitor-client privilege.
18. The AJC recognizes the sensitive nature of certain exchanges with its members. Collection, use and disclosure of personal information may however be required for the purposes of defending and promoting a member’s interests and meeting the union’s statutory duty of fair representation. The collection, use and disclosure may occur in one or more of the following scenarios:
- a. the initiation or conduct of investigations;
  - b. the conduct of inquiries;
  - c. the representation of one or more members;
  - d. Labour Relations Officers’ reporting obligations to the Director of Representation Services or the Representation Committee;
  - e. the defence or promotion of AJC’s interests or those of its members;
  - f. the need for instructions from members of the Representation Committee; and
  - g. such other scenarios that promote the interests of the AJC and its members.

19. The AJC will use reasonable efforts to limit the flow of information on a need-to-know basis and will ensure that third party service providers, including Labour Relations Agents, are contractually bound by the same AJC commitment.
20. Members engaging the representation services of the AJC are therefore deemed to have consented to the terms and conditions set out herein except for medical information, which will notwithstanding anything to the contrary contained herein, require a member's express written consent before disclosure by the AJC to a third party.
21. Should a member have a concern regarding the collection, use or disclosure of their personal information, they should raise such concern with the Labour Relations Officer assigned to their request. Should the member's concerns not be addressed to the member's satisfaction, they may direct their concerns to the Director of Representation Services.

*Approved by EC: January 27, 2025*