Duty of fair representation complaint form

Section 37 of the *Canada Labour Code*

This form will guide you if you want to file a complaint against your union or its representative for a breach of their duty of fair representation. It will help you provide all the information the Canada Industrial Relations Board needs to process your complaint.

**In this form**

[Important information before filing a complaint 2](#_Toc102039645)

[1- Step 1: Provide the parties’ names and contact information 2](#_Toc102039646)

[2- Step 2: Tell us whether you are within the 90-day time limit 4](#_Toc102039647)

[3- Step 3: Provide detailed information on your union’s conduct 5](#_Toc102039648)

[4- Step 4: Explain why you are filing a complaint 7](#_Toc102039649)

[5- Step 5: What solution are you seeking? 9](#_Toc102039650)

[6- Step 6: List all your documents 10](#_Toc102039651)

[7- Step 7: Sign and file your complaint 11](#_Toc102039652)

# Important information before filing a complaint

## Consult relevant documents

### Information Circular No. 11 describes the complaint process

The circular contains information about your rights as an employee and the union's duty of fair representation. It explains what constitutes arbitrary, discriminatory or bad faith conduct. It also

details everything that happens after you file your complaint with the Canada Industrial Relations Board (the Board). We recommend having it on hand while you fill out this form.

Information Circular No. 11 is available [on our website](https://cirb-ccri.gc.ca/en/resources/no-11-duty-fair-representation).

## Provide accurate and detailed information

### Show your complaint is legitimate

When you file a complaint, the Board will first determine if it is well founded. In this form, you must provide detailed information to convince the Board that your union has failed in its duty of fair representation.

The Board may dismiss your complaint without asking for the union’s position or that it provide more information, if it finds:

* that you have not provided enough information,
* that the information you provided does not show that your union may have engaged in arbitrary, discriminatory, or bad faith conduct, or
* that your complaint was filed more than 90 days after the date on which you should have become aware the union’s conduct.

### Submit all your arguments (the Board can issue decisions without holding hearings)

The Board often issues decisions based only on the documents and information it receives in writing, so make sure that you tell the Board everything when you file this form. If information or documents are missing, the process will take longer.

## Attach all relevant documents to support your complaint

You must include documents to support your complaint. List all the documents you are attaching to this form in the table provided in Step 6 (examples are provided).

You may refer to documents even if you do not have them. However, you must explain why you do not have the documents.

# Step 1: Provide the parties’ names and contact information

## 1.1 You (the person filing the complaint)

|  |  |
| --- | --- |
| First name(s) (and any pronouns) | Last name |
| Address |
| City | Province | Postal code |
| Email | Telephone number |  |
| Current job title (if you are no longer working for this employer, indicate your last position) |
| Date you started working for this employer |
| Date you stopped working for this employer (if you are no longer working for it) |

### If you identify a person to represent you (for example, a friend, a family member or a lawyer), we will communicate with this person for the proceeding, and not with you:

|  |  |
| --- | --- |
| First name(s) (and any pronouns) | Last Name |
| Address |
| City | Province | Postal code |
| Email | Telephone number |  |

## 1.2 Your union

|  |
| --- |
| Name of the union |
| Address |
| City | Province | Postal code |
| First name(s) and name of the person representing your union |
|  |
| Email | Telephone number |  |

## 1.3 Your employer

|  |
| --- |
| Name of the business |
| Address |
| City | Province | Postal code |
| First name(s) and name of the person representing your employer |
|  |
| Email | Telephone number |  |

# Step 2: Tell us whether you are within the 90-day time limit

You have 90 days to file a complaint following the date on which you became aware of the situation leading you to file a complaint.

## 2.1 On what date did you become aware of the situation leading you to file this complaint?

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## 2.2 Are you filing your complaint after the 90-day deadline? Explain why

The Board may allow you to file a complaint after 90 days in exceptional circumstances. For example, if serious health problems prevented you from filing your complaint.

If you file your complaint after 90 days, you must explain why you were not able to meet the deadline and provide documentation to prove it. The Board will consider your explanation and the time that has passed since the 90 days expired to make a decision.

However, note that the Board has the power to agree or refuse to process your complaint if it was not filed within the time limit.

Explain why you are filing your complaint after the 90-day deadline:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# Step 3: Provide detailed information on your union’s conduct

## 3.1 What conduct of the union is leading you to file a complaint?

[ ] The union refused to file a grievance.

[ ] The union did not try to settle the grievance by referring it to an internal grievance procedure.

[ ] The union did not refer the grievance to arbitration.

[ ] The union, in your view, did not properly represent you during the arbitration process.

[ ] The union dropped or withdrew your grievance.

[ ] The union settled the grievance without your consent.

[ ] The union did not tell you its decision about your grievance.

[ ] Other. Specify: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### **If your complaint is about something other than a grievance, proceed to Step 4.**

### 3.1.1 Did you ask your union to file a grievance?

[ ] Yes. Specify when you asked your union to file a grievance.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ] No. Explain why you did not ask your union to file a grievance (**go to Step 4**): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### 3.1.2 Did your union file a grievance?

[ ] Yes, my union filed a grievance (**fill in section 3.2**).

[ ] No, my union did not file a grievance. Explain why your union did not file a grievance (**go to Step 4**):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ] I don’t know if my union filed a grievance (**go to Step 4**)

## 3.2 If you selected Yes at 3.1.2 (my union filed a grievance), we need additional information

### About the grievance

**On which date did your union file a grievance?**

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**You must attach a copy of the grievance to this form. If you cannot, explain why:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
About the decision regarding the grievance

A union can make several decisions regarding a grievance. For example, it may choose to settle the grievance, to drop it or to move it to the next step of the grievance procedure.

**Did your union make a decision regarding your grievance?**

[ ] Yes, and it informed me of its decision.

[ ]  Yes, but it did not inform me of its decision. Explain why: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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[ ] I don’t know if my union made a decision regarding my grievance. Explain why : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**You must attach a copy of the union’s decision, if any. If you cannot, explain why:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### About the arbitration award, settlement agreement, or court decision regarding your grievance

**Has there been an arbitration award, settlement agreement, or court decision regarding your grievance?**

[ ] Yes.

[ ] No.

[ ] I don’t know.

**You must attach a copy of the arbitration award, settlement agreement, or court decision to this form, if any. If you cannot, explain why:**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# Step 4: Explain why you are filing a complaint

## 4.1 If the complaint relates to rights under your collective agreement, indicate which section of the agreement it applies to. If the complaint does not relate to rights under a collective agreement, go to 4.2

The *Canada Labour Code* provides that a union can defend an employee’s rights only if they are related to their collective agreement. When you file a complaint, you must demonstrate that the rights you are seeking to enforce are covered by your collective agreement.

**You must indicate one or more sections of your collective agreement that are relevant to your complaint.**

Section no. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Section no. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Section no. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Section no. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Section no. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Section no. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Section no. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Section no. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**You must attach a copy of the sections of the collective agreement you indicated. If you cannot, explain why:**
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## 4.2 Explain why you believe your union has engaged in arbitrary, discriminatory or bad faith conduct

### What was your union’s conduct?

If you are filing a duty of fair representation complaint, it is because you believe your union has breached its duty by engaging in arbitrary, discriminatory or bad faith conduct.

If you are not sure which option to check or if you need more information on your union’s obligations, [consult the McRaeJackson decision](https://decisia.lexum.com/cirb-ccri/cirb-ccri/en/item/5478/index.do). It defines arbitrary, discriminatory or bad faith conduct and gives several examples, especially at paragraphs 13 to 46.

[ ] **Your union has engaged in arbitrary conduct.**

Here are some examples of arbitrary conduct:

* You reported a problem and your union did not investigate or ask for your version of the events.
* Your union is negligent in representing you or does not pay enough attention to your interests as an employee.

Note that a union has the right to make mistakes, and that a decision that negatively impacts one or more employees is not necessarily arbitrary.

[ ] **Your union has engaged in discriminatory conduct.**

Here are some examples of discriminatory conduct:

* Your union is not properly representing you because of your age, skin colour, religion, gender, or medical condition.
* Your union is treating one or more employees differently from others for no valid reason.

Different treatment is not always discrimination. A union may choose to treat situations differently because of the circumstances, or to be fair.

[ ] **Your union has engaged in bad faith conduct.**

Here are some examples of bad faith conduct:

* You had a personal disagreement with a union representative, and they let that disagreement influence their decision about a complaint you filed.
* Your union abused your trust or was dishonest.

### Explain what happened

Describe all the events that led to you filing a complaint against your union. Your description of events should **convince the Board that your complaint is legitimate and based on facts**. If it does not, the Board may dismiss your complaint without asking for any submissions from the union. List the events in chronological order (from oldest to newest). Be specific and detailed. Among other things, please include:

* what happened that led you to seek the assistance of your union
* what your employer did (for example, disciplined you or terminated your employment)
* what you asked your union to do (for example, file a grievance)
* what your union did
* the names of the union representatives involved
* the names of witnesses (if any).

Describe the events on the lines below. If you need more space, you can add pages to this section. Number them and mention below that the rest of your explanation is on additional pages.

If you are attaching supporting documents to this form, list them in the table provided at Step 6. You may refer to them in your explanation using the names indicated in the table (*Document 1*, *Document 2*, etc.).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### Explain your reasoning

Explain why you believe the union’s conduct is arbitrary, discriminatory or in bad faith. In making its decision, the Board will assess whether your union dealt with your request objectively and methodically. It will consider whether your union took your request seriously, how it investigated the situation, and the steps it took to resolve it.

If you need more lines, you can add pages to this section. Number them and mention below that the rest of your explanation is on additional pages.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# Step 5: What are you seeking?

## 5.1 You can request measures be taken against your union, not your employer. What would you like the Board to do?

The Board can require the union to restore your right to fair representation or help you restore it yourself. You can ask for two (2) types of measures:

1. Require your union to meet its obligations, such as requiring it to file a grievance or renegotiate wages, pensions or insurance.
2. Require your union to help you restore your rights, without representing you. For example, by paying for an outside representative of your choice.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# Step 6: List all your documents

You must include all relevant documents in your possession to support your complaint and the information that you provided in this form. Here are examples of documents to attach to your complaint:

* any exchanges you have had with union representatives (letters, emails, etc.)
* the termination letter or other disciplinary letter
* a copy of the sections of the collective agreement under which the union was supposed to represent you
* a copy of the grievance and any responses to it from your employer

In the table below, list all the documents you are attaching to this form starting with the oldest and provide the date and a short description for each one (for example, "Letter of dismissal" or "Email exchange with John Doe").

|  |  |  |
| --- | --- | --- |
| Name of document | Date of document | Description  |
| Document 1 |  |  |
| Document 2 |  |  |
| Document 3 |  |  |
| Document 4 |  |  |
| Document 5 |  |  |
| Document 6 |  |  |
| Document 7 |  |  |
| Document 8  |  |  |
| Document 9 |  |  |
| Document 10  |  |  |
| Document 11 |  |  |
| Document 12 |  |  |
| Document 13 |  |  |
| Document 14 |  |  |
| Document 15 |  |  |
| Document 16 |  |  |
| Document 17 |  |  |
| Document 18 |  |  |
| Document 19 |  |  |
| Document 20 |  |  |

You can add additional lines if needed.

# Step 7: Sign and file your complaint

First name and last name

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Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

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## How to file your complaint

You can file your complaint:

* online: [CIRB Web Portal – E-Filing (cirb-ccri.gc.ca)](https://portal-portail.cirb-ccri.gc.ca/en-CA/HomeAccueil/HomeAccu),
* by mail to our [Ottawa office](https://www.cirb-ccri.gc.ca/en/about-us/contact-us), or in person, if you have arranged to do so with a Board officer in advance.

**Do you have questions about this form or need help?**

[Contact us](http://www.cirb-ccri.gc.ca/eic/site/047.nsf/eng/h_00221.html) at 1-800-575-9696 or send us an [email (info@cirb-ccri.gc.ca)](http://www.cirb-ccri.gc.ca/eic/site/047.nsf/frm-eng/JFAT-95JL2X).

If you are using a telecommunications device for the deaf (TTY), call 1-800-855-0511.