

Metal Trades Department AFL-CIO



Steward Guide

INTRODUCTION

Studying this guide and using common sense in applying it to your local union's situation, will help you do a better job as a steward. Take your time. It is going to take you a while to learn all the things this steward guide and your local union say you should know.

Your devotion in the day-to-day task of serving the interests of your members is your most important goal. Your willingness to learn, work for and with your union will enhance and strengthen your local union and the Labor movement.

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MTD STEWARD GUIDE
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THE UNION

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- E. What is a Union?
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History of the American Labor Movement

The roots of trade unions extend deep into the early history of America. Several of the Pilgrims arriving at Plymouth Rock in 1620 were working craftsmen. Early unions, or guilds, of carpenters, cabinet makers and cobblers made their appearance, often temporary, in various cities along the Atlantic seaboard of colonial America.

The first local unions in the United States formed in the late 18th century, but the movement came into its own after the Civil War, when the short lived National Labor Union (NLU) became the first federation of U.S. unions, followed by the slightly longer-lived Knights of Labor, then by the American Federation of Labor (AFL), founded in 1886 by Samuel Gompers as a national federation of skilled or craft workers' unions.

In contrast to the craft unionism of the AFL, the Industrial Workers of the World, founded in 1905, represented mainly unskilled workers; the IWW was a force in American labor only for about 15 years. The strategy of industrial unionism was revived in 1933 through the Committee for Industrial Organizations within the AFL. The committee split from the AFL in 1938 as the Congress of Industrial Organizations (CIO). The CIO unions organized employers and workers in the auto, rubber, steel and other industries, which represented an industry organizing concept. The AFL unions continued to organize workers by craft, such as the operating engineers, carpenters, electricians, machinists, etc. In 1955, the AFL and CIO merged into the AFL-CIO under the leadership of George Meany.

Today most unions are affiliated with one of two larger umbrella organizations: the AFL-CIO and the Change to Win Federation, which split from the AFL-CIO in 2005. Both organizations advocate policies and legislation favorable to workers in the United States and Canada, and take an active role in politics. The AFL-CIO is especially concerned with global trade issues.

The Metal Trades Department AFL-CIO

The Metal Trades Department is a trade department of the AFL-CIO. It was chartered in 1908 to coordinate negotiating, organizing and legislative efforts of affiliated metalworking and related crafts and trade unions. Twenty national and international unions with a total membership of over 5,000,000 are affiliated with the MTD today. More than 100,000 workers in private industry and federal establishments work under contracts negotiated by MTD Councils. Workers retain membership in their own trade unions.

Government

As a chartered Department of the AFL-CIO, the MTD operates under its own constitution and by-laws within the laws of the AFL-CIO.

Finances

MTD activities are financed by a monthly per capita tax paid by the international unions on that portion of their membership employed in the metal trades.

Conventions

The MTD convention is the supreme governing body. It meets every four years. Delegates representing international unions and MTD Councils review and develop programs, modernize the constitution, elect officers and fix policy for the MTD and its Councils.

Officers

The MTD is administered by a president assisted by a full-time staff. The President and ten vice presidents are elected from the affiliated international unions by convention for four-year terms. These eleven officers form the MTD Executive Council, which meets as needed to carry out convention programs and formulate and carry out department policies. Between full meetings of the Executive Council the president reports to a committee appointed by the Vice Presidents.

Jurisdiction

Disputes between affiliated unions are resolved through jurisdictional policy and procedures of the MTD.

METAL TRADES DEPARTMENT HISTORY **1908-2012**

Theodore Roosevelt was in the waning days of his second presidential term, the Supreme Court had just issued a crippling decision declaring that union boycotts were an illegal restraint of trade, workers had precious few rights. AFL President Samuel Gompers and the rest of the AFL Executive Board attending the Republican National Convention in Chicago were armed with an extensive list of worker grievances. They were infuriated by the party's indifference to their efforts. It was June 15, 1908. The AFL Executive Board closed out a busy session—officially chartering four new departments for the Federation, including the Metal Trades, the Building Trades, the Union Label and the Railroad Department.

Workers and their unions had grown restive over the preceding two decades. Sporadic efforts to raise wages, secure an eight-hour day and to gain some semblance of equality with management were frustrated by indifferent lawmakers and aggressive management organizations. Unions had no legal status, and lawmakers were cavalier about responding to the concerns of Sam Gompers and his colleagues. Gompers launched the AFL's first organized foray into politics in 1906, raising a whopping \$8,200 in political action funds to research the voting records of lawmakers and to circulate "Labor's Bill of Grievances". The point was to focus voters on the activities of a handful of anti-union members of Congress—specifically Republican House Speaker Joseph Cannon (IL), and Republican colleagues John Dalzell (PA), James Kennedy (OH), Sydney Mudd (MD) and James Sherman (NY).

Two years later, Gompers circulated "Labor's Protest to Congress" but narrowed the Federation's activities to the 1908 presidential contest between Democrat William Jennings Bryan and Republican William Howard Taft.

When the Metal Trades Charter was officially issued, IAM President James O'Connell was elected its first president. He was joined by Secretary-Treasurer A.J. Berres, Vice Presidents James W. Kline, Joseph A. Franklin, John R. Alpine, J.J. Hynes, Joseph F. Valentine and W.W. Britton.

MTD's First Affiliates

The Metal Trades Department's first affiliates were:

Amalgamated Sheet Metal Workers' International Alliance; International Association of Blacksmiths; Brotherhood of Boilermakers, Iron Shipbuilders of America; International Federation of Draftsmen's Unions; International Brotherhood of Electrical Workers; International Union of Steam Engineers, International Brotherhood of Stationary Firemen and Oilers; International Brotherhood of Foundry Employees; International Association of Machinists; Metal Polishers, Buffers, Platers, Brass and Silver Workers' International Union; International Moulders' Union of North America; Pattern Makers' League of North America; International Union of Stove Mounters; and United Association of Plumbers and Steamfitters of the U.S. and Canada.

The Founding Convention

The Department held its founding convention in Cincinnati, in February 1909. The concept behind the Metal Trades had incubated since the 1890s, largely on the strength of efforts by the IAM to create unity among the many unions representing workers in the metal trades.

At the IAM's urging, a number of interested organizations held a conference in 1894 where the parties elected Lee Johnson president of the nascent organization, joined by William Anderson as secretary-treasurer and James O'Connell, vice-president. The organization was realigned as the Federated

Metal Trades on a national basis during the 1900 AFL Convention, under the leadership of President James Cramer and Secretary L.R. Thomas.

That forerunner of the MTD operated independent of the AFL for the next eight years until the AFL formally chartered it in June 1908 with an aggregate membership of some 600,000 workers.

Presidents of the Metal Trades Department

- John J. O'Connell 1908-1935
- John P. Frey 1935-1950
- James A. Brownlow 1951-1962
- B.A. Gritta 1962-1969
- Maywood Boggs 1969-1971
- Paul Burnsky 1971-1994
- John Meese 1994-2002
- Ronald Ault 2002-2016
- James Hart 2016-Present

War and Peace

Themes of war and peace, struggles between labor and management, striving to maintain the dignity of work and workers—all echo again and again through the Metal Trades first century in existence. The Department has been consistently vigorous and active in support of America's defense against foreign aggression. At birth, the Department's president intervened with the Secretary of the Navy to bring about industrial peace in U.S. shipyards where America was rapidly expanding its Navy to assume a role as a young superpower at sea.

The Department and many of its affiliates were involved in the construction and operations of the Panama Canal—all 41 miles of its course. At a cost of \$380 million, the Canal project employed 70,000 workers over the 10 years it took to

complete it in 1914 (5,600 workers died on the job). The Department continued to represent Canal Company workers until the final handoff of the Canal to the Republic of Panama in 1999.

After World War I, as world leaders responded to the calls for disarmament, President Woodrow Wilson initiated a downsizing of America's defense establishment that consisted primarily of a vast Navy arsenal. One of the unexpected consequences of that action was massive unemployment in U.S. shipyards. The situation became acute as some 10,000 shipyard workers had been laid off by 1922. The situation prompted John J. O'Connell, accompanied by AFL President Samuel Gompers, to convene a meeting with Navy Secretary Edwin Denby and his then assistant secretary, Franklin Roosevelt, to suggest that the shipyard workers be put back to work to dismantle some 120 surplus Navy vessels.

The Department also won an amendment to the 1922 appropriations for the Navy to fend off early "privatization" efforts that threatened the jobs of Naval shipyard workers. The measure stipulated that the Navy's shipyards would have an opportunity to bid on any repairs or reconditioning of vessels in excess of \$5,000. The Department pointed out that despite the effect of that measure, the Federal Shipping Board decided to send the S.S. Leviathan to the private Newport News Shipbuilding Co. for reconditioning at a cost of \$8.2 million instead of permitting the Boston Navy Shipyard to perform the work for 80 percent of that price; a saving that took into account the fact that workers at the Newport News Yard earned 54 cents an hour while the Boston Shipyard's workforce was paid 73 cents an hour.

The Metal Trades Department remained the primary collective bargaining organization for trade unions in shipbuilding and armament manufacturing through the Roaring 20s, confronting many of the same industrial developments that unions in manufacturing faced. One of those issues was the "Taylor System" of "scientific management," the idea that mass production could be achieved by taking all thinking out of the hands of workers. The Taylor system was widely accepted in U.S. factories that had then begun turning out automobiles and led to widespread speedups and abuses on factory floors.

With significant push back from the Metal Trades, Frederick Taylor's ideas were quickly abandoned in the gun factories and shipyards where Metal Trades workers toiled. Unemployment is another theme that echoed frequently over this past century. Throughout the decade of the 1920s, the federal government sponsored a conference on unemployment.

The conference issued its final report in February 1929—six months before the October 24, 1929 official crash of the stock market, widely marked as the beginning of the Great Depression. The report of the conference called on business, labor and government to maintain a balanced economy, warning: "If natural resources, especially the land, are wastefully used; if money in quantity is taken out of production and employed for speculation; if any group develops a method of artificial price advancement which puts one commodity out of balance with other commodities; if either management or labor disregards the common interest—to this extent equilibrium will be destroyed, and destroyed for all." Six months later, on Black Monday, October 24, 1929, equilibrium was blown away and it would not be completely restored until World War II awakened America's productive might. At the height of the Depression, 25 percent of the workforce was unemployed, millions more were earning one third of their pre-depression wage rates.

Sandwiched between the Stock Market Crash and Pearl Harbor came the New Deal of Franklin Roosevelt—a complex series of legislative and policy pronouncements, new federal agencies and initiatives all intended to get the U.S. economy breathing again.

The New Deal

After more than a quarter of a century of frustration over corporate domination of government, the New Deal ushered in a period of reform and regulation that began to level the playing field for workers and their unions. With the enactment of the National Labor Relations Act in 1935, the establishment of the National Labor Relations Board and widespread organizing success that followed, the prestige of labor leaders was on the rise. One of the signal moments of that change came in October 1933 when the leaders of the AFL gathered in Washington for its 53rd Convention, taking time out from its proceedings to

dedicate the one and only statue in Washington, D.C., honoring a labor leader—the Gompers memorial statue located in a green square at 10th and Massachusetts Ave. But, the agenda for that meeting was far more solemn and serious. Delegates would also grapple with resolutions calling for a boycott of Nazi Germany and a call for a 30-hour work week. The eight-hour day, and 40-hour week had only been in effect for less than a decade.

In its own convention in late September, Metal Trades Department President John P. Frey issued one of the earliest calls for coordinated bargaining: "Careful consideration should be given to the possibilities of entering into joint agreements by our affiliated international unions with an industrial association, for under a system of codes it may prove impractical and perhaps impossible to take up the question of minimum wage rates piecemeal, each international union acting individually."

Even during the New Deal, when labor acknowledged a strong ally with Roosevelt in the White House, unions still had to fight hard to keep corporate power and greed in check. For the Metal Trades, a good deal of that struggle involved maneuvering around the bureaucracy of the National Recovery Act.

In 1934, the AFL aided Metal Trades President John P. Frey in persuading Roosevelt's NRA Head Hugh Johnson to keep employers from dominating its decisions to equalize representation on the industrial relations committee for the shipbuilding and repair industry and to assert its independence. The New Deal gave impetus to many labor initiatives during the 1930s. The Department played a key role in one of the most important of those initiatives, the formalization of apprenticeship training with the enactment of the 1938 Federal Apprenticeship and Training Act. Department President John P. Frey was appointed by President Roosevelt as labor's representative on the first Apprenticeship Committee in 1937 in advance of the passage of the legislation.

America's Economic Recovery

America's economic recovery was hastened as the world teetered on the brink of war. And, the Metal Trades leaders were determined to assure an uncertain nation that its affiliates would maintain its consistent position in support of the national defense. In an official statement issued on June 20, 1940-18 months

before Pearl Harbor—the Metal Trades declared: "When the nation entered the World War in 1917, these international unions gave their pledge to give every possible support to the nation in the winning of the war.

Their record during this period is evidence of how loyally and patriotically that pledge was honored. "In the present national emergency these international unions again pledge their loyal, active and cooperative support to the nation in the effort to speed production required for national defense.

"These international unions pledge themselves to the nation with an understanding of their responsibility to contribute their full share to the nation's defense and the protection and perpetuation of these institutions of freedom which are now menaced by totalitarian powers."

By December 7, 1941, America's shipbuilding industry was bustling as they constructed Liberty Ships as part of the Lend Lease Act intended to fend off Germany's aggression against the British. Labor's commitment to wartime production was critical to the eventual Allied victory over Japan and Germany.

Labor's role was symbolically recognized with the christening of three Navy Ships in the name of labor leaders. The first of that line was the USS Henry Miller, named after the first president of the IBEW in 1943. The Miller was torpedoed off the coast of Gibraltar a month before the War in Europe ended. The Navy also launched the USS Joseph S. McDonagh, honoring a former electrician at the Brooklyn Navy Yard who was the Secretary-Treasurer of the Metal Trades Department from 1940 until his death in 1945. After World War II, a class of destroyer tenders was commissioned in honor of AFL President Samuel Gompers.

The Metal Trades has been the union representing perhaps the most overlooked of America's heroes—the men and women who helped develop America's nuclear capability in the Manhattan Project, and the Cold War veterans who followed in their footsteps as the secrets of the atom were plumbed. In the process, many of these workers had their lives shortened and their health compromised. The Metal Trades Councils that were formed to give these workers a voice on the job, adequate wages and benefits, added health and safety protections, pensions and employment security remain some of the strongest and most effective in our Department—the Atomic Trades and Labor

Council at Oak Ridge, the Albuquerque Metal Trades Council, the Metal Trades at the Pantex Plant, Metal Trades Council at Fernald Ohio, the Hanford Metal Trades Council. These are the vanguard of labor representation in the nuclear industry and they have proven the great value of labor's fundamental commitment to solidarity.

New challenges continue to arise and new leadership will look back on the legacy of this organization for inspiration and direction. Our pledge is to maintain the strength and commitment of the Metal Trades Department to sustain its mission to serve and represent the working men and women of the Metal Trades. Most importantly, we will remain true to the charge of those who went before us: to continue to be a vigorous and aggressive advocate for our affiliates and their members. We will continue to honor the giants on whose shoulders we stand today.

Evolution of Collective Bargaining

This nation started out as an Agriculture Society, and then shifted to an Industrial Society with large groups of people working together.

1. Historically, management took the position that because they owned the means of production they had the sole right to determine the conditions of employment.
2. Workers formed Unions so that they could have some say over wages, hours, working conditions and the many other problems that arise in the relationship between a worker and employer.
3. The Steward is the person that makes this relationship work. Unions are workers joining together to better their workplace and their lives. The steward is the glue that helps to keep the workers together.

What Is A Union?

"An organization of workers joined together for a common purpose, for mutual aid and protection, to engage in concerted activity and collective bargaining, to elevate their conditions of life and labor; an organization by which ordinary people do extraordinary things."

Are unions still important to working people today?

Unions are as important as they ever were—because corporations are just as dedicated to their bottom line, regardless of the consequences for workers. The nature of work in America is changing. Employers are trying to shed responsibilities for providing health insurance, good pension coverage, reasonable work hours and job safety protections, for example, while making workers' jobs and incomes less secure through downsizing, part-timing and contracting out. Working people need a voice at work to keep employers from making our jobs look like they did 100 years ago, with sweatshop conditions, unlivable wages and 70-hour workweeks.

SECTION II THE STEWARD

- A. What is a Steward?
- B. Importance of Stewards
- C. The Reality of Being a Steward!
- D. Roles, Tasks and Duties of a Steward
- E. Ten Rules for Stewards
- F. Personal Characteristics and Skills of a Steward
- G. What the Steward Should Learn
- H. Materials for the Steward at Work
- I. Be a Good Communicator
- J. Some Tips When Speaking to Your Membership
- K. Grievance Handling For Shop Stewards

What is a Steward?

The dictionary defines a steward as one who manages the affairs of others. For our purpose, a steward is the person who manages the affairs of the union and its members at the workplace. The steward is the guardian of the rights and benefits gained by the union through collective bargaining; the link between the members, management and the union.

Importance of Stewards

- A. Research has shown that the average member's perception of their local union, international union, and the labor movement, evolves from their relationship with the shop steward.
- B. Most Union members don't attend union meetings; the steward is their source of information.
- C. Stewards are looked upon as leaders of the union by co-workers.
- D. Stewards often become union leaders of the future.

The Reality of Being a Steward!

- No Steward wins every grievance.
- If you ever hear one word of praise or thanks, count yourself lucky!
- Chances are your contract has lots of tricky spots. Do not expect to master it all at once — ask for help from other Stewards and Local Union Representatives.
- The Union often has to defend people that nobody likes. Be prepared to explain that the Union is there for everyone.
- As a Steward, you'll end up seeing people at their worst. Expect to have your compassion and patience tested day after day, try to understand and empathize with others.
- The Union doesn't have a lock on Truth and justice. People make mistakes. You may have to admit to making mistakes yourself, but never be discouraged.

Roles, Tasks, and Duties of a Steward

Employee

- Be a role model as a good employee
- Develop the respect of other workers and management by fulfilling your job duties as an employee

Leader

- Work for Union goals
- Establish respect for the members
- Inspire the members
- Act as a model of fairness
- Enforce Union rules
- Develop participation
- Support Union's community services
- Participate in Union related activities

Spokesperson

- Speak up for the members
- Represent the members
- Represent the union

Organizer

- Welcome new employees/members
- Get non-members to sign a Union membership card
- Organize the unorganized
- Build Solidarity
- Develop participation in Union

Educator

- Explain Union objectives and principles
- Combat anti-union activity
- Explain laws that affect workers
- Explain the economic facts of life
- Unionize the organized

Grievance Handler

- Enforce the contract
- Uphold the contract
- Uphold worker's rights
- Screen out grievances from complaints
- Uphold workers conditions
- Negotiate and settle legitimate grievances

Communication Link

- Keep the membership informed as to what is happening in the Union
- Keep Union officers informed as to what is happening in the workplace

Problem Solver

- Help workers with informal work related problems that might not be a grievance
- Direct people with problems to the proper channels, giving sources for additional information
- Give advice on non-work related problems and issues. The union steward has the dual status of having the duties and responsibilities to the members as a union representative and the duties and responsibilities to the employer as an employee.

Ten Rules for Stewards

1. Sell and defend the union, its benefits and gains.
2. Know yourself.
3. Be a credible employee.
4. Talk straight with the members.
5. Size up your opposition and act accordingly.
6. Deal with small problems before they become big ones.
7. Prepare against surprises.
8. Set limits.
9. Involve others in the work of the Union, ask for help and input.
10. Recognize that your worksite is just part of the whole.

Personal Characteristics of a Steward

Honest, Fair, Friendly, Sense of Humor, Diplomatic, Courage, Confident, Flexible
Ability to Keep Cool, Self-Disciplined, Responsive, Compassionate, Approachable
and have a Positive Attitude

Skills of a Steward

Respect for others, Problem Solving, Mediation, Reading, Writing, Communication,
Speaking, Listening, Research and Organization

What the Steward Should Learn

1. The contract and its interpretation (reading the contract is not good enough).
2. Union policies/by-laws/Constitution/rules.
3. Workplace rules and policies.
4. The union's (Business Agent/Business Manager) position on items not written or clear.
5. The Union's benefits
6. Labor laws
7. What happens at Union meetings?
8. Grievance precedents/arbitration decisions
9. Equipment and job procedures, work being performed.
10. Know and understand co-workers
11. Know and understand management

Materials for the Steward at Work

1. The collective bargaining agreement
2. Seniority lists (only if seniority is in agreement)
Names, addresses and phone numbers of workers
3. Pencil and paper
4. Company Rules/Employee Handbook
5. Grievance forms
6. Membership application and dues check-off cards
7. Grievance file (sometimes kept at union office)
8. A steward guide
9. Pamphlets/handouts/information for new members
10. International Constitution and Local Union bylaws

Be a Good Communicator

The first step to good communication skills is to acquire good **LISTENING** skills. If you are known to listen carefully to those around you, people will pay more attention to what you have to say, when you do speak.

Good listeners:

- **STOP TALKING.** It is impossible to listen while one is talking!
- **MAKE EYE CONTACT**
- **FOCUS** on what is being said,
- **ASK QUESTIONS.** Don't just assume that you understand what is implied.
- **EMPATHIZE** with the person you are listening to. Put yourself in their place and try to understand how they feel. If you do this, you will never try to "show up" or embarrass the speaker.
- **ARE OBJECTIVE** in your listening. This means that you don't impose your own values on the speaker, but rather allow the speaker to give his or her "perspective" in the speaker's own words. Do not jump to conclusions. Recognize and deal with your own prejudices.
- **DON'T ARGUE** everyone has their own value system and emotional baggage that colors their perspective of a situation. Arguing makes people defensive and then they are unlikely to change their opinions. If you disagree, particularly when talking about the union or its policies, it is best to be assertive and logical. Explain calmly, yet assertively, your position and back it up with facts!
- **GET FACTS AND DETAILS.** Details can be important.
- **LISTEN FOR THE PERSONALITIES.** The more you know about the likes and dislikes of your membership, the easier it will be to find common ground and what motivates them.

Other Important Communication Skills:

Handshake — a lot of people form a first opinion of the other persons based upon a good handshake.

Body language- using your hands, head and feet can express to the other person a lot of different emotions, such as intimidation, anger, joy, etc. Good body language can be an asset.

Some tips when speaking to your membership:

- **HOLD MEMBERSHIP MEETINGS** when necessary to discuss workplace problems or convey important information from your local union. The lunchroom is a good forum for this. You will find that if you are well prepared your members will not resent these small interruptions to their lunch breaks, but rather will look forward to your information sessions and start to ask questions. So know your facts! A good way to "break the ice" in a meeting of either a group of people or on a one-on-one is to start by asking a question. For example, if you were to say, "The afternoon shift has been reporting problems with harassment from management about sick leave. Has anyone here experienced similar problems?" Automatically, you have involved your listeners and have everyone's attention.
- **BE ASSERTIVE** and prepared. Deal with members' perceptions of "union myths." Remember, most members get their information by reading, watching or listening to media, which is controlled by big business. The best way to combat these myths is by logically pointing out how they are not true.
- **REMEMBER WHO YOU ARE EDUCATING.** Your members are adults and you should treat them as equals, with the same respect that you expect. Your goal is to share information, not to show how much more you know than anyone else. Education is a two-way process. Unless you learn from your members, from their knowledge, experience and moral strengths, you cannot be a good educator yourself. Not respecting and appreciating the qualities in someone else is the quickest way to alienate them.

- **MOTIVATION.** What motivates your membership? Is it job security, better wages, harassment from the boss, or improved benefits and working conditions? If you do your job, communicating on a regular basis, it will be easy for you to recognize common Motivators or goals.
- **PARTICIPATION.** Everyone has different levels of participation at which they are willing to involve themselves. By involving everyone according to their own limitations and showing them that working with the union at all levels is important, will allow members to take ownership of the union actions. In another vein, it is very important to recognize the difference between participation and support. Just because a member may not actively attend a meeting doesn't mean that they don't support your efforts or goals. Do not alienate this support by condemning their lack of participation.
- **SIMPLICITY.** No matter how big the problem, start out with simple actions and hopefully, obtainable goals. This builds confidence.
- **FUN.** An action that is fun draws people together and makes the experience memorable.
- **OBJECTIVITY.** Stewards sometimes fall into the trap of taking lack of membership participation in local meetings personally, and then refusing to tell others what went on. Allowing your frustration to get the better of you could tute that member off the union for life. Remember that the lack of participation at local membership meetings doesn't necessarily mean that the member does not believe in the union or that you are not respected as a Steward.
- **SET AN EXAMPLE.** By your actions, show your membership that you believe in the union's policy of an equitable, just society and workplace. Be assertive in standing up against racial, ethnic and sexual harassment. Stop the offending behavior. If you are consistent in rejecting such actions, jokes or slurs, it will soon become public knowledge that this type of behavior is unacceptable and will not be tolerated.
- **WORK TO DISPEL FEAR OF THE BOSS.** Treat your supervisor as an equal and show that you expect to be treated as an equal too. Do not be afraid to speak up in defense of your members or the collective agreement.

- **WORK WITH ALL OF THE PEOPLE IN YOUR AREA.** Speak for them; act promptly and decisively; service all members fairly and equally, regardless of race, politics, religion, sex or sexual orientation; and keep your word.
- **DEAL PROMPTLY AND DECISIVELY WITH ALL RUMORS.** Rumors, especially from the employer, can cause fears and divisions in the membership. Find Out the truth and then talk to your members.
- **KEEP IN CLOSE CONTACT WITH YOUR MEMBERSHIP.** Let them know the best way to contact you. Encourage members to come to you with their problems first rather than to the supervisor.
- **ASSIST** union members' with out-of-work problems, such as housing, unemployment, medical care, legal problems, etc. or refer them to the local union Business Representative or other sources.
- **IF YOU DON'T KNOW THE ANSWER,** do not make it up! Tell the member that although you don't have the answer right now, you will find the answer and get back to them as soon as possible. Make sure you follow-up. The union movement is full of the resources to get the answers you need.
- **BE POLITICALLY AWARE.** Know the state and federal labor laws that affect you, your members and the union. Encourage your members to vote for union friendly candidates and participate in the election process.

Grievance Handling For Shop Stewards

The steward has many roles, tasks and duties. The steward is the communication link between management, the union, and the members. If the steward is diligent, aggressive, fair-minded and well informed, the members and management will feel positive about the union. Democracy and fairness on the job begins with a good steward.

One of a steward's most important functions are to help workers (members or non-member) settle their problems or grievances. The first rule of good stewardship is that every employee is entitled to your best efforts. There are responsibilities that go with the job. For example, stewards are expected to abide by the union's constitution, local union bylaws, comply with the terms of the collective bargaining agreement and management rules and regulations. The steward must be fair, objective and thorough when assisting members.

For effective grievance processing you must know the grievance procedure thoroughly and be able to deal effectively with individuals at all levels of the workplace. Stewards must listen carefully to an employee's complaint and determine the facts of the situation. Employees usually do not hesitate to tell their steward when they are disgruntled with a supervisor. However, employees may exaggerate their situation and you may have to calm them before they get to the truth of the matter. It is important that you get complete and accurate information before taking any action. You should ask questions to clarify points or have employees repeat their story if necessary. Moreover, you must avoid making snap judgments, and insure that the grievance is based on a sound premise.

To avoid an error in judgment, stewards should investigate the alleged grievance by talking with other employees who may have information. Further investigation should include checking company records, time cards, previous settlements, talking with other stewards, union officials, or reviewing any other source that will

help differentiate between fact and opinion. In some cases, it may be necessary for the steward to talk with an employee's supervisor. Stewards must be able to support their claims since the case will be weakened if management can show any misstatements.

In determining whether a grievance should go forward, you must carefully evaluate all the facts and opinions about the case. If the employee does not have a case, then the employee must be told the reasons why the grievance is not justified. It is usually unwise to submit grievances that cannot be won. If there is doubt as to whether the grievance should go forward, stewards should consult with their chief steward or union official before making their decision. If the grievance appears to be justified, it should be processed promptly, but without hostility. Usually, at the second step, most labor agreements call for the grievance to be put into writing, and it is up to the shop steward to make sure the case is written properly. Usually there is a form for this purpose. The steward should keep union officials and the grievant informed about the case at each step of the grievance procedure.

You should document every action taken during the grievance procedure. Records should start with the employee's statements and include dates and any relevant information. If the case should go to arbitration, complete and accurate records will be extremely helpful. Your goal is a fair settlement of the grievance as soon as possible.

Since the steward is looked upon as a leader by the members, their views on such matters as politics, the union, and community concerns will influence people at the workplace. Because we live in a changing world, a steward must constantly participate in a process of continuing education. Last year's answer will not necessarily solve this year's problem. Although being a steward is both hard work and time consuming it can be rewarding to feel one is helping others.

SECTION III
THE GRIEVANCE PROCESS

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The Collective Bargaining Agreement

Unions fight hard for written contracts to govern the working conditions, wages and benefits for their members. The contract is a set of rules that say "this is the way things should be." Like traffic laws, the collective bargaining agreement is not always followed. The agreement does not enforce itself. It requires people to make sure that it is followed and to take the proper steps when it is not followed.

It is important to remember that contracts are not copied out of some textbook and signed after a casual reading. They are hammered out by representatives of the employer and the union, usually after weeks and months of negotiation.

We must always remember that most contracts are a compromised agreement between the employer and the union. The union wants to have restrictions placed on the employer to protect the integrity of the bargaining unit and to provide security for their members. The employer however, wants flexibility in how they manage their workforce. Many bitter disputes and strikes have been fought to convince employers to sign contracts. Once the contract is signed, it is only a piece of paper unless the union polices it.

It is your job to watch for violations of the agreement and to speak on behalf of the members who are affected by those violations. The means by which you enforce your agreement is called the grievance procedure.

The Grievance Procedure

Most union contracts contain some form of grievance procedure. The purposes of the grievance procedure are:

- To settle disputes arising during the life of the agreement;
- To provide for an orderly manner to handle disputes in lieu of strikes;
- To provide the worker with help to settle their dispute;
- To provide for due process for labor and management by allowing either party to request binding arbitration;
- To enforce the union's rights as the bargaining representative;
- To protect workers' democratic rights on the job;
- To maintain healthful, safe, and positive working conditions; and
- To give the worker the support of the union when he or she has a dispute with management

What is a Grievance?

A grievance is a disagreement or a complaint involving a dispute, difference of opinion or interpretation between the employer and the union.

Grounds for a Grievance

Before determining the grounds for a grievance, review the grievance section of your agreement. National agreements have limited the limitations of a grievance. In some cases, you may even have grounds in more than one of the following areas. In all cases, you should find the argument that is most likely to win the grievance.

Depending on contract language a grievance can be:

1. Violation of the Contract or contract interpretation.
2. Violation of an addendum to the agreement.
3. Violation of a side letter.
4. Violation of Federal, State, or Local laws (safety & health, racial discrimination or sexual harassment).
5. Violation of past practices.
6. Violation of an applicable and relevant arbitration award.
7. Violation of Workers' Rights (unfair or unequal treatment).
8. Violation of Management's Responsibility.
9. Violation of Company Rules, Policy or Regulations.

Types of Grievances

1. Personal/individual: affects only one person; discipline, demotion, harassment, classification disputes, denial of benefits, etc.
2. Group: affects a group of people; a department, a crew or a shift. Not all collective bargaining agreements allow for the filing of a group grievance, so check your collective bargaining agreement.
3. Union: initiated by the union on behalf of employee(s) For example, the union would grieve on its own behalf if management failed to deduct

union dues/benefit deductions as specified by the collective agreement. In these cases, the union grievance is one in which the union alleges that its rights have been violated and not just the rights of an individual.

It may NOT be a grievance if it is:

1. Personal Problem
2. Complaint Against the Union Officers or Staff
3. Factual Mistake

A grievance or complaint may include a wide array of member on member misconduct, such as **WORKPLACE VIOLENCE, BULLYING, STEALING** and **HARASSMENT**, if there is an option, member on member issues should be dealt with between members, the steward and/or the union (business agent/business manager); in some cases circumstances, history, the contract or the company rules/handbook will mandate the reporting of employee misconduct. You have a legal obligation to represent everyone in the bargaining unit equally, not just the ones you like. And if you expect to win at arbitration, you must argue every grievance on the documented .facts, not conjecture, probability, or personality.

How can you represent two members involved in a dispute with each other? You must protect the rights of both members based on the facts and the contract, not popular opinion. Some of the most difficult grievances arise when the best interest *of* one member conflicts, or appears to conflict, with the best interest of another. The decisions you will have to make are not easy. Always remember that the goal is to gain fair treatment for all of your members.

When you as a steward are in doubt as to whether it is or is not a grievance, discuss the problem with your business agent. When a member comes to you with a complaint, the first thing to do is get the facts. Listen to their story and ask yourself:

Does it violate the contract, the law, a past practice or the members' rights? If the answer is "yes," chances are the complaint you have may be a grievance. Remember, whether the complaint is a grievance or not, the employee is concerned enough to come to you with a problem, this concern demands action on your part to clarify or attempt to correct the situation. If you answered "no" to whether the problem violated the collective agreement, past practice, a law or the employee's rights, then you probably have a complaint. Some complaints, even though not grievances, demand attention.

Past Practice

Past practices usually cover situations where the contract is silent or ambiguous. A past practice grievance usually arises when management unilaterally, and without notice to the union, changes an established procedure or disciplines an employee for following a past practice.

The following guidelines will help you determine if a past practice violation has occurred:

- Consistency - Was the policy consistently applied (done the same way) over a long period of time? A limited number of instances will normally be insufficient to establish a past practice.
- Longevity - The longer the period of time a policy has been in effect, the stronger the case for it being considered a past practice. Has the practice existed under more than one collective agreement?
- Acceptance - Both the union and management know that the practice has been in effect and neither party has objected.
- No Clear Written Language - The practice cannot conflict with clear language in the contract or in a company rule.
- Past practices are often difficult to establish. Past practice grievances have become less common in recent years, as there are fewer practices not covered by work rules or contract language.

For example, employer gifts such as employee parties or a Thanksgiving turkey are gratuities and are less likely to be considered past practices than are more significant conditions of employment. Where the benefits granted are of personal value to employees, such as paid work breaks or bonuses, arbitrators are more likely to rule that management may not discontinue the granting of such benefits.

Seven Key Questions for "Just Cause" for Discipline

Employers must have "just cause" for disciplinary actions. The following are seven key questions in considering whether just cause for discipline exists.

1. Was the employee given advance warning of the possible or probable disciplinary consequences of the conduct?
3. Before administering discipline, did the employer make an effort to investigate whether the employee did, in fact, violate a rule or order of management? Was the employer's investigation conducted fairly and objectively?
6. Was the company consistent in applying its rules, orders, and penalties without discrimination?
7. Was the degree of discipline administered in the particular case reasonably related to?
 - the seriousness of the employee's proven offense; and
 - the employee's record of company service.

Time Limitations

1. Strict Compliance

Grievances must be filed on time. Collective bargaining agreements often specify time limits for the filing and processing of grievances, and there are often time limits for each step of the procedure. A union's failure to comply with a time limit may cause the grievance to be disallowed. Likewise, an employer's failure to timely respond to a grievance may result in an automatic upholding of the grievance.

2. Computation of Time

The steward should know whether the day on which the grievance occurred, holidays, and Saturdays and Sundays are included in computing the time limits set forth in an agreement.

3. Continuing Violations

Where a violation is repeated on an ongoing basis from day to day, each day may be treated as a new occurrence. An arbitrator will likely allow the filing of the grievance while the violation is still ongoing, but permit back pay or other remedy to accrue from the date that the grievance is filed.

4. Extensions of Time Should be in Writing

If a steward is unable to comply with a time limit in an agreement despite good faith efforts to diligently and promptly investigate the facts, he or she may decide to request an extension of time from the company. If you elect to request an extension, you should obtain a written extension agreement from the company.

5. Lax Enforcement of Time Limitations in the Past

If both parties to the contract have been lax in enforcing time limits in the past, an arbitrator may decline to enforce the time limits until prior notice has been given by the party of its intent to require strict compliance with such limits. An arbitrator may, however, ignore the past practice of failing to enforce the time limits if the contractual language requiring adherence to time limits is clear and unambiguous.

6. Waiver of Time Limitations in Current Matter

In some cases, arbitrators have held that a party has waived its right to enforce time limits by recognizing and negotiating a current grievance without objection.

How to Investigate a Grievance

Whether a grievance is won or lost is often determined by how carefully the steward investigates the problem. Therefore, the steward must be prepared to do the following:

1. Conduct an interview. Listen carefully to the worker's statement, writing down such things as dates, production records and other relevant information.
2. Ask questions for clarification or additional information.
3. Examine relevant company records.
4. Distinguish between fact and opinion.
5. Determine which facts are relevant to the matter under discussion.

Earlier in this manual, you learned about various types of grievances and the fact that sometimes the workers complaint is not a grievance. To process a grievance properly, you will need to know all the facts concerning the grievance.

Interviewing Grievant and Others

Privacy and Confidentiality

The grievant has the right to discuss the grievance with you in private. If the grievant approaches you at the coffee break and wants to see you about a problem, suggest that you meet later in the day unless the worker indicates that the matter is urgent. If you are approached by a worker when there are other people present, don't start talking about the grievance right away. Sometimes the details of a grievance are not very pretty and may be personally

embarrassing to the grievant. In such cases, the grievant has the right to expect confidentiality and discretion from the steward up to the point of the grievance going to arbitration.

Try to find a place where you and the grievant will be reasonably comfortable during the interview and where there will be few interruptions. The middle of a work area is not the proper place to get the facts on whether a worker has a grievance or not.

Getting the Details

Ask the grievant to tell you the whole story from beginning to end while you record the relevant information. Ask questions for clarification or additional information while creating a supportive environment for the grievant.

It may be necessary for the grievant to repeat parts of the story several times before you get the complete picture. You may have to guide the grievant with comments like:

"... and what happened after that?" "Did you say anything before that?"

"What exactly did the foreman say . . .?"

"Is that the only reason...?"

"Has there been any disagreement between the two of you before this?"

Once you are satisfied that you have heard the whole story, ask the grievant to repeat it in chronological order because it is possible that, in the original telling, the grievant will have jumped back and forth in time as the incidents which seemed important were recalled. During the interview, you must make careful notes of the story in chronological order, being extremely careful with dates and times even where it is not immediately apparent that such times and dates are material to the grievance itself.

Verifying the Details

We suggest that it is an excellent practice to ask the grievant to write out their story in their own handwriting. This serves a two-fold purpose. First, the effort required by the grievant to chronicle the incident will aid in the recollection of all the relevant

details in their proper order. Second, you will have the grievant's written record of the evidence on file so that, if the story doesn't stand up either at the grievance hearings or eventually at arbitration, the grievant will not be able to complain that you lost the case by misinterpreting what was told to you.

You should carefully cross examine the worker on any points that appear doubtful or that might possibly be challenged by the representatives of management. In all probability, you will find that the grievant will resent having the story dissected in this manner and wonder whether you are working for him/her or for the employer. Do not be deterred by this reaction. Simply explain to the grievant that, if the story cannot stand up to your screening, the flaws in it will certainly be exposed by management at the hearing and this is not good for the grievant or the union. This is the time to detect flaws and to correct errors and inaccuracies which could ruin your case if they were exposed by the management cross-examination. Now you have some of the facts.

Talk to Other Witnesses

To get more facts, you must conduct a similar examination of any witnesses and, if they are prepared to discuss the case with you, management's witnesses as well. And you must interview each witness separately and privately to be sure that your witnesses will corroborate the grievant and each other and will not tell conflicting stories which will damage the credibility of your case.

Let's insert a note of caution at this point! Never accept the word of the grievant or someone else as to the testimony that a witness will give. Regardless of the time factor involved, you can never forego the examination of a witness on the assumption that you already know what will be said when called upon. Such assumptions will usually get you in trouble at a critical moment.

Talk to the Immediate Supervisor

By now, you have most of the facts but not necessarily all of them. Remember that there are two sides to every story, and sometimes three. It may be a good idea at this time to talk to the immediate supervisor concerned and get the other side of the story.

Ask for their version of the facts and then have the courtesy to listen. Do not argue the case; simply listen to their version of the facts. Later you can relate it to the other side of the story that has been given to you by the grievant and by your witnesses. By now, you will have a pretty good idea of whether or not there is any substance to the grievance.

Sources of Information

Various people can supply information that will be beneficial to your case, the member who has the grievance, fellow workers and other witnesses to the grievance, also fellow union stewards and the union business agent. The latter can also supply ideas about similar grievances in the past.

Sources of information: Foremen/Supervisor - in some cases, it may be necessary to speak to management about a grievance before you actually present it. This should only be done to get the facts and obtain a clear picture of what happened.

Other sources of information include: company records, member's records, seniority lists, personnel file, sick leave records, union records — union contract and past grievance file.

Absenteeism, seniority, written reprimands, education, training, and past experience are examples of information/evidence that can be quantified. You can count the number of absences a person has, or the years of seniority, or the years of experience on the job.

Ability, aptitude, personality, character, dependability, friendliness, and professionalism are terms that cannot be quantified. As much as possible, avoid

using terms that cannot be quantified. If you must do so, back them up with quantified facts.

Just how involved you will become in each case will depend on the staff of your local union. If they are busy they may appreciate the extra mile you are going to determine what actually happened. Many other times the Union Representative will take over once you have the basic information put together.

Before you see the supervisor, ask yourself the following questions:

- Do I have all the facts from the grievant?
- Is there other information that I need? (e.g., from witnesses)
- Have I verified all the facts?
- Have I carefully checked the contract and labor laws?
- Have I made a clear record of all the facts gathered?
- Have I explained the case to the grievant?

Getting the Facts

Gather all the facts necessary. Facts are your ammunition. You need facts and witnesses when you talk with management.

Six W's

How do you establish the facts of the case? You will be acting much like a detective does. The best way to establish the facts is to rely on the six vital W's — Who, What, When, Where, Why and Want.

WHO

First of all, you want to know "who" is involved; the employee's full name, the department, branch, division, section unit, job site, crew. You want to know the grievant job title and job classification. You also want to have the same kind of information on any possible witnesses and on anyone else who was involved in

the incident which led up to the grievance itself. And, finally, of course, don't forget the immediate supervisor and/or the manager involved.

WHAT

Secondly, "what"; we want to know what happened. Was it an improper assignment of duties; was someone wrongfully charged with misconduct; is it a question of seniority rights; has someone been unfairly treated or discriminated against by comparison, the consideration shown to other employees? Be sure that you know exactly what happened and what it is that has caused the problem/grievance.

WHEN

Thirdly, you want to know "when" the act or omission which led to the grievance took place. Make sure that you include times and dates, how often and how long. It may seem at the time that specific times are not particularly important, but you can never tell what's going to be important in a grievance. Therefore, you must be as exact with the time as you possibly can.

WHERE

The next thing that you want to know is "where" did this incident take place? Get the exact location, the part of the building/job site, the department/area, the section, etc., as you'll often find that distances are important. So be sure that you get the distance between the locations involved if there is any possibility that they may be relative to the grievance.

WHY

The next thing that you want to know is "why" this is a valid grievance. Has there been a violation of the collective agreement; has there been a violation of an arbitral award; have past-established practices been violated; has there been a violation of some applicable law or statute?

WANT

Finally, of course, and perhaps the most important thing in any grievance, be sure that you tell management exactly what you "want." What adjustments are necessary to correct the injustice — that is, to place the aggrieved employee in the same position held prior to the event? Ask for redress in full. Do not be content merely with eliminating the violation for the present or the future. Always make sure that if there has been a suspension or any form of financial penalty, the employee is reinstated in their position with no financial loss and with full continuation of benefits. In other words, make sure that the adjustment you ask for is retroactive to that point in time where the employee began to suffer — the point that gave rise to the grievance.

Information Requests

Make information requests on behalf of the Union. The employer has the obligation under the National Labor Relations Act to furnish certain information pertaining to a grievance filed by the Union. Where it is apparent that the employer may refuse to cooperate, confirm the requests in writing.

Tell management that you are making the request in order to assist the Union in pursuing the grievance and/or determining whether to proceed to arbitration. Adequate information concerning grievances enables the union to make an informed judgment about the strength of its claim, to eliminate weak claims at an early stage in the grievance process, and to prepare for arbitration.

The National Labor Relations Board applies a balancing of interests approach and evaluates on a case-by-case basis employer contentions that the disclosure of information would violate employees' rights of privacy.

Release of Disciplinary Information in Personnel Files

Disciplinary information contained in personnel files is not per se confidential and the employer must show that harm will result from the disclosure. If you are processing an individual grievance with the grievant's consent, the grievant's privacy should not be an issue.

In certain situations, such as where a grievant claims disparate treatment in support of his or her grievance, the Union may wish to obtain a copy of personnel files of both the grievant and other employees. If management raises confidentiality, tell management that you are agreeable to discussing how to preserve the confidentiality of the information. Management may ask you to get release forms from the grievant or other employees. The steward should never raise the issue of release forms, before getting release forms signed you should check with the business agent.

Writing the Grievance

Proper writing of grievances is important and can determine whether a grievance is won or lost. There is a difference in writing a grievance for presentation to the employer and writing an "investigative fact sheet" for the Union's record. The official grievance should contain only facts (as opposed to opinions) and a statement of claim.

Grievance Writing Checklist:

- > include only two things:
 - (1) what the grievant's problem is
 - (2) what the grievant is asking for
- > Keep it neat and concise
- > Stay organized — writing a rough draft helps
- > Write the date (this is crucial for determining time limits)
- > Make enough copies for distribution. You will need a copy for:
 - the employer,
 - the Union,
 - the employee, and
 - your files.
- > Keep it flexible (see below)

Flexibility in the Written Grievance:

- Don't limit yourself to one argument. Identifying only one article of the agreement that has been violated is not desirable. The issue may be too broad to rely on one specific contract clause or may involve another document policy or law. If the grievance reaches the arbitration stage your failure to include a matter in the grievance may result in a finding by the arbitrator that the Union did not put that issue in dispute. If you do specify the clause of the collective agreement in dispute, include the phrase ***"and any other clause in the collective agreement which may be applicable."***

"Statement Grievance: The Union is grieving because the actions of management violate Article 10.01 and any other clause in the collective agreement which may be applicable."

- > Don't argue your case in the written grievance. It is more effective to write only the bare minimum details in the written grievance, saving the rest of the information for oral discussion with the employer. Why? It gives the Union more flexibility in arguing the grievance.
- "Don't spill the beans" - Hold back your supporting information. Don't elaborate on all the facts and arguments that back you up - until the time is right. The Union's case is much stronger if it is kept under wraps - until the right moment. Why disclose the Union's position before you have to? The employer will have the time to sit down and think up the best way of defeating your approach with a stronger counter-argument.
- Don't forget the grievant request for redress — what is it that the grievant wants? Write the request for "full redress" on the grievance form, which should cover all aspects of the grievant's claim. Here is a good example to follow:

The grievant is requesting full redress and to be made whole."

What if the grievant won't sign the statement? There are going to be times when you have a grievance on your hands but, for one reason or another, there is no signature on the grievance, or the worker wants to drop his/her complaints.

Why would a grievant not sign the statement? In many cases the workers will have certain fears about their jobs, upsetting their supervisors, or cause trouble in general. Do not refuse to handle a grievance if it isn't signed. You can't just disregard the situation and say "it's your (the member's) problem".

What should you do when the grievant won't sign the statement? You should investigate as you normally would with any other grievance. Under your authority as steward you are allowed to sign the statement yourself, if you find the grievance justified. This is an effective method, since it can get around the worker's fear of standing behind the grievance. But remember, you might place a heavy responsibility on yourself as a

working employee. The employer may try to pressure you into withdrawing the complaint.

A second option; Get the Union to back you! An even better solution may be to present the written grievance as authorized by the Local Union. In this manner, the business agent or business manager can sign it. This way the grievance comes from the large, impersonal Union and the employer cannot put pressure on either you or your members personally.

How to decide to press a grievance when the worker won't sign? Your decision to carry onward should be based on **one dominant factor: what is best for all the membership!** Your job as steward is to safeguard and uphold the contract - to make sure that it is being enforced. If you allow a bad practice to continue, it can eventually be considered a past practice, therefore, damaging to the contract. Thus piece by piece, the contract will be weakened.

Processing a Grievance

Steward and Grievant Together

Most Unions endorse the policy of the grievant and steward processing a grievance together. There are **four main reasons for this policy**:

- *First*, and most importantly, this **policy builds the collective strength of the Union**. It shows the company that the members understand the importance of protecting the contract through the official procedure and that the Union members have confidence in their steward.
- *Second*, the **steward is the trained Union representative** and therefore, best qualified to present the case to management.
- *Third*, with the grievant present in grievance discussions with the foreman and/or management, **the grievant knows exactly what is transpiring**. Now, he/she can't argue later that, "if I had been there, I wouldn't have been sold down the river."
- *Fourth*, now we have an **additional witness available for the Union on the meeting**.

Remember— when you are meeting with management.

* If the steward and grievant find themselves with differing views in the presence of management, they should recess their meeting and reconcile their differences.

Steward Alone: When should a steward handle a grievance alone?

Where severe animosity exists between the grievant and the foreman. In certain exceptional cases where strong feelings exist between the grievant, other workers and/or the foreman, it may be necessary for the steward to handle the grievance alone. Having a grievant and foreman or supervisor participating in a heated debate will probably add little to determining the real issues in dispute or in reaching a settlement.

Where the worker is too intimidated by the supervisor.

There may be rare cases when a grievant is frightened by the foreman or supervisor and refuses to go with the steward to take up the grievance. Having the grievant along is a way to overcome this fear; but sometimes this cannot be done, and the steward goes alone.

Where it's necessary to keep the process rolling. You may have a grievant that is ill or off on leave and rather than delay the process the steward would proceed alone.

Where the workforce is too scattered. In some Unions, the custom is that the steward takes up the grievance without the presence of the grievant. This is usually done in those industries where the work force is scattered and it is difficult to quickly bring together the steward and grievant. This method suffers from the fact that the grievant does not directly participate in the discussion and, therefore, may not fully understand what has taken place.

When should a grievant proceed without the steward?

Never. It is not a good idea for a member to participate in the grievance process alone. Once a grievance is filed it is the responsibility of the Union. Only the Union may settle or withdraw the grievance. Otherwise, the individual may make a settlement of which the Union is unaware or may make a settlement that affects the rights of other workers.

When a grievant attempts to go it alone, educate him on the importance of the proper channel - the official grievance procedure, and the benefits of the steward's presence when a grievance is first instituted.

What if a grievant backs down?

Sometimes a grievant will refuse to sign the grievance form or seek to withdraw the grievance after filing it fearing retribution by management. If the contract has been violated the steward should consult with the Business Representative or Business Manager for advice.

How do you handle the grievance of a non-member?

A Union must handle the grievances of members and non-members alike, so long as the non-member is a member of the bargaining unit. Before processing a grievance, it is important to keep in mind that your interpretation of the employee's rights under the collective bargaining agreement might differ from the employee's. All grievances that you consider legitimate should be processed. A violation of a contract in relation to a non-Union member may serve as a precedent to be used against a Union member in the future.

Many Unions use the successful processing of non-members' grievances as a basic organizing tool. The successful handling of the grievance helps to answer the question "What can the Union do for me?" Even though the individual with the grievance may not join the Union, some other non-Union worker may be persuaded to do so.

The steward should file the grievance, not the employee on their own, as it is in the interest of everyone in the Union that the grievance is handled properly.

Remember that in most cases, grievances belong to the domain of the Union and it is only the Union that can settle or withdraw a grievance.

Insubordination

The Rule: employees must obey orders even when they disagree with them. Failure to "work now, grieve later" may be grounds for discharge. Two forms of insubordination are generally recognized in the labor law context.

(1) The First Form— refusal to carry out a direct order

The most serious form of insubordination is the willful refusal or failure to carry out a direct order. Arbitrators have generally held that discipline is appropriate where two conditions are met:

- (a) **A clearly stated order was given** — a supervisor or someone with authority to give the order must have clearly communicated the order to the employee, and
- (b) **The employee has actually refused to comply**

*Even where no one in authority gave a specific order, an arbitrator could find discipline was appropriate where the employee ***must have been aware of his duties***, but refused to comply.

Exception to the Rule: (threats to safety)

- Where such orders constitute perceived threats to employee safety or health or that of his/her coworkers. If these conditions are met, cases of this type fall under one of the most firmly established principles of labor relations, that is, employees must obey orders even when they disagree with them. Failure to "work now, grieve later" may be grounds for termination.

(2) The Second Form: A lesser form of insubordination generates from a personal altercation between the employee and his or her supervisor. Factors considered by arbitrators are where during such an altercation an employee might:

- shout
- use profane or abusive language

- engage in disrespectful actions including obscene gestures
- be excessively argumentative
- engage in minor name calling, etc.

The discipline allowed in such cases is normally less than the major penalty of discharge, as in the first type of insubordination, because the degree or severity of insubordination is less.

Duty of Fair Representation

Unions are the exclusive representatives of the workers in the bargaining unit. As representative all workers in the unit, the union must fairly represent workers regardless of:

1. Membership — **Non-members are entitled to representation**
2. Race, sex, or national origin
3. A worker's support for rivals within the union
4. A worker's religion
5. A worker's political views

Breach of Duty of Fair Representation

A union breaches its duty of fair representation when its actions are "arbitrary, discriminatory, or in bad faith."

Process Grievances Fairly and Objectively

To ensure that the union is fulfilling its obligation to fairly represent the workers, the union should follow some guidelines. These include:

When you are approached about a grievance, do a full investigation. Interview the grievant and all witnesses. Review the contract to see if there are any potential violations. Request all relevant information from management. Keep detailed records of your investigation.

Do not refuse to file a grievance because of race, sex, religion, politics, personality, or membership status. You must represent all members of the bargaining unit regardless of your personal opinion of the worker involved in the grievance.

Treat the grievant as you would want to be treated if it were your grievance. Keep them up to date on the progress of their grievances. Don't disregard a grievance simply because the grievant has filed a number of frivolous grievances in the past.

A Union Does Not Have an Obligation to Arbitrate or Proceed to the Next Step on All Grievances

The duty of fair representation does not require a union to carry every grievance to arbitration but union representatives must make the judgment to carry a grievance or not, in good faith. You cannot ignore the grievance or drop it for discriminatory or arbitrary reasons. Prepare thoroughly for all arbitrations.

Let the Grievant Know That You Intend to Drop a Grievance

If you decide to drop a grievance, notify the worker prior to formally removing the grievance. Give the grievant a specified time to provide additional relevant information. Keep records of conversations and written material used to notify the grievant that his or her case is being dropped. It is important to explain why this problem is not a grievance or why the grievance is being withdrawn.

Weingarten Rights

In accordance with "Weingarten" protections,¹ an employee has the right to have a union representative present for an investigatory interview that the employee reasonably believes could lead to disciplinary action. Discipline or discharge of an employee for refusal to cooperate in such an investigatory interview without union representation is a violation of the National Labor Relations Act.

Right Triggered by Specific Employee Request

An employee's right to union representation during an investigatory interview is limited to instances where the employee specifically requests union assistance. A steward should educate workers about this right so that the workers do not unknowingly relinquish this right.

Reasonable Belief - Employee Acts at His Own Peril

The employee's right to request representation as a condition of participation in an interview is limited to situations where the employee reasonably believes the interview will result in disciplinary action. The reasonableness of one's belief is determined by objective standards (not based on the employee's subjective, good faith belief) under all the circumstances presented. If an employee refuses to meet with management without a union representative in the erroneous belief that discipline may result, the employee may face discipline for insubordination.

Meeting to Impose Discipline — *Weingarten* Rights Are Not Applicable

This right applies only to investigatory meetings and does not apply to a meeting convened for the purpose of informing the employee of a previous disciplinary decision.

¹NLRB v. J. Weingarten, Inc., 420 U.S. 251 (1975).

Employee May Choose to Decline Representation

Since the right arises only in situation where the employee requests representation, the employee may decline union representation at the investigatory interview and attend unaccompanied.

Employer Options When Employee Invokes Rights

Once the employee makes a valid request for union representation, the employer has three options: 1) grant the request for union representation; 2) dispense with or discontinue the interview; or 3) offer the employee the choice of continuing the interview unaccompanied by a union representative, or of having no interview at all, thereby foregoing any benefit that the interview might have conferred on the employee.

Union Representative Not Immediately Available

An employer is not required to postpone an interview because the specific union representative requested by the employee is absent as long as another union representative is available at the time of the interview. Where the employee's chosen union representative is available, the employer cannot insist that another union representative represent the employee at the interview.

Role of Union Representative at Investigatory Meeting

If the employer insists that the meeting take place immediately, the employer must permit the union representative and the worker to confer privately before the investigative meeting.

The union representative must be accorded an opportunity to speak at the investigative meeting.

Arbitration — Just Cause and *Weingarten* Rights

Arbitrators typically find *Weingarten* protections implicit in the "just cause" standard contained in most collective bargaining agreements.

Harassment

A steward's job is to protect the rights and working conditions of all the people in our workplaces.

What is Harassment?

Harassment, a type of discrimination, is defined as any unwanted physical or verbal conduct that offends or humiliates a person.

Harassment takes many forms, such as:

- threats, intimidation, or verbal abuse
- unwelcome remarks or jokes about subjects like your race, religion, disability or age
- displaying sexist, racist or other offensive pictures or posters
- sexually suggestive remarks or gestures
- inappropriate physical contact, such as touching, patting, pinching or punching
- physical assault, including sexual assault

Harassment can consist of a single incident or several incidents over a period of time. Harassment creates a hostile work environment which can interfere with job performance and result in being refused a job, a promotion or a training opportunity — for both the harasser and the recipient of the harassment.

The harasser could be the same or opposite sex as the person harassed, may be a supervisor, a co-worker, or someone providing you with a service. Harassment is considered to have taken place if a reasonable person ought to have known that the behavior was unwelcome.

Sexual Harassment

What is Sexual Harassment?

Sexual harassment is a very serious form of harassment; defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when that conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Facts about Sexual Harassment:

The victim as well as the harasser may be a woman or a man.

The victim does not have to be of the opposite sex.

The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.

The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.

Unlawful sexual harassment may occur without economic injury to or discharge of the victim.

The harasser's conduct must be unwelcome.

What constitutes sexual harassment or a sexually oppressive atmosphere is a gray area, so using your best judgment is important. People like to have a good time at work, so sometimes jokes and casual conversation can get pretty spicy. Also, it isn't unusual for a worker to ask another one for a date. It's important to take note when someone has spoken up and complained about offensive conduct. Continued offensive conduct in spite of complaints or warnings is more likely to be considered sexual harassment.

Two principles should guide you in handling a sexual harassment grievance.

First, the Union does not condone or tolerate sexual harassment in any situation

Second, the Union's role in any grievance is to make sure that all Union members are treated fairly, no matter what they have been accused of or who does the accusing.

The employer should have a sexual harassment policy.

An important resource you will need to look to when handling a sexual harassment grievance is the employer's policy for handling sexual harassment complaints. The policy should provide a procedure for making a complaint. The procedure should protect both the accused and the accuser's privacy. Unlike some other complaints, a person who accuses another of sexual harassment may become the subject of further abuse by other workers -- sometimes inadvertently. For example, if details of an embarrassing incident become known, other workers may gossip about what happened, causing more embarrassment for the accuser.

That is why the policy should provide a way for workers to make their complaints in private, to a person specifically designated to hear that type of complaint. These complaints should remain confidential, as much as possible.

Whatever the policy, every worker is entitled to work in a harassment-free environment.

For more information on sexual harassment in the workplace, visit the U.S. Equal Employment Opportunity Commission's website at:

http://www.eeoc.gov/types/sexual_harassment.html

Five steps to winning and handling grievances

There's no magic bullet, but carefully following these basic steps can give you a great advantage:

1. Listen carefully to the facts.
2. Does it meet the criteria for a grievance?
3. Investigate thoroughly.
4. Write the grievance. What should be included in the written grievance?
5. Present the grievance in a firm but polite manner. What is the best way to present the case?

Always remember that your goal is to resolve every grievance at the lowest level.

Some Reminders

1. Remember that, generally speaking, employees should be advised to "obey orders now and grieve later" unless the order is illegal, unhealthy or unsafe.
2. Investigate promptly. People forget.
3. Gather all available documents, e.g., letters, doctor's certificates, etc.
4. Interview witnesses, both pro and con. If you can, have the witnesses write out the story in their own handwriting or at least sign and date a statement written out by you. If the witness will not sign, add a note that you read the statement to the witness and he/she confirmed it was correct.
5. Ask the grievant if there are other reasons for management's actions other than what management has stated.
6. There may be legitimate reasons for withdrawing a grievance. If you do withdraw a grievance, do so, "without prejudice."

Keep in mind the grievance investigation will be used by the union to build a case for the grievant. The confidentiality of this investigation cannot be stressed enough. In the grievance meetings, management will receive a copy of the written grievance form and whatever oral arguments are necessary to prove the union's case. Background information in the grievance report is to be used in the preparation of oral arguments by the union. In many cases, it could be detrimental to the grievance if all the information contained in the report were to be made known to management. Grievances are often like court cases. One only admits what one has to. Sometimes certain questions are better left unasked when in management's presence.

For example: If a grievant is being disciplined for having been caught sleeping on the job by a supervisor, it would not be helpful to his/her case if the union were to inform management that the grievant often sleeps on the job and this is the first time he/she was caught, or that there are others that sleep on the job also.

SECTION IV
MEETING WITH MANAGEMENT

- A. Relationship with Management
- B. Points To Remember When Conducting a Meeting with
Management
- C. Management Tactics
- D. Principles for a Steward/Supervisor Meeting
- E. Tips for Handling Grievances with Management
- F. Do's
- G. Don'ts

Relationship with Management

It is important that you abide by the established grievance procedure in every respect. For example, most labor agreements require that stewards check with their supervisor before leaving their jobs, or the agreement may state when a steward may investigate grievances.

You should determine the most important points of the case and how to present them to the supervisor. Although stewards should present the facts forcefully, they should not be hostile. You must avoid making threats, insults, cursing, or making unreasonable statements even if the supervisor becomes abusive. You should keep the employee informed on your case handling strategy. You should never get into an argument with the employee or another union representative in the presence of a company official.

The steward should try to settle the grievance at the lowest level. If the grievance is settled in favor of the employee, you should not "nib it in." The steward should express appreciation for a supervisor's honesty and/or cooperation. This will make future grievances easier to process. If the decision is unsatisfactory, the steward should tell the supervisor that the grievance will be referred to the next step.

Steward and Foreman/Supervisor

It is important that the steward understand the relationship between the union representative and management. Although the foreman/supervisor exercises certain authority over the steward as a worker in the department, the steward acts as an official representative of the union when they meet to discuss grievances and, therefore, has more latitude in his or her interactions with management.

Generally, every effort should be made to settle a grievance as close to the source of the dispute as possible. The representatives of both groups have to live with any settlement reached. If they can arrive at an acceptable resolution, rather than having a decision imposed on them, both parties will be better off. In addition, the farther a grievance travels through the steps of procedure, the more difficult it becomes to settle because it may then become a matter of pride or prestige. At that point, both sides tend to back up their subordinates even when they feel they may have been wrong originally.

It is absolutely essential that the steward talk to the supervisor after getting the grievant's story. The complaint can only be properly evaluated after all the information is known. It is only then that it can be determined if the complaint is a grievance.

Authority of Foreman/Supervisor

The degree to which grievances are successfully handled at the first step depends largely on the authority granted the foreman. In some companies, the supervisor is only a messenger for the management representative. If this situation exists, few settlements will take place at this level. How much authority the foreman has is determined by what he/she can do about some of the following problems:

- Can they reinstate a discharged employee?
- Can they make a rate adjustment?
- Can they shift assignments among different employees?
- Can they promote an employee to a higher paying job?

It is important to observe the steps in the grievance procedure even if the foreman has limited authority. Leap-frogging to a higher step may have undesirable effects. The lower level(s) of management will resent this and will be more difficult to deal with the next time, or the company may seek to have the grievance thrown out because the proper steps were not followed.

The contract may include some exceptions to the principle that a grievance should always be initiated at the first step of the procedure. Discharge cases for example are often begun at a higher step because they are matters that usually require decisions by higher levels of labor and management.

Points To Remember When Conducting a Meeting with Management

Generally, the steward should serve as spokesperson for the employee. Stewards are better informed about the grievance procedure and can speak more objectively. As a spokesperson, the steward also can control the presentation of the grievance more effectively. Stewards should call on employees primarily to provide facts that will strengthen the case.

The steward should determine to what extent employees are able to participate in meetings with management without losing their composure. The more articulate employees may be given an opportunity to present their case, but the steward should remain as spokesman, asking for a recess if the employee begins to lose composure.

It is important for the steward to set standards to follow during meetings with management. The following are points for the steward to remember when conducting a meeting on a complaint or grievance.

- a. You should always have a note pad and pencil handy to record the date, time, and location of the meeting and the names of the people present. You should have records on the grievance, your investigation, as well as notes on any meetings.
- b. You should listen carefully to the other side's arguments. This will help you do a better job of countering the supervisor's position and possibly give you additional reasons why your position is the correct one. In order for you to be a good negotiator, you must be a good listener.
- c. You should always explain to the grievant, prior to the meeting with supervision, your strategy on the case. Should you and the aggrieved employee disagree during the meeting, ask for a recess; straighten out your differences; then, resume the meeting with supervision.
- d. When you must disagree with what the supervisor says, do so with dignity. Remember that you and the supervisor are going to have to work together and settle other issues in the future. Remember, you are seeking agreement - not conquest.

- e. You should avoid bluffs and threats that both you and the supervisor know you can't carry out. If the supervisor calls for your bluff and you back down or cannot follow through, your credibility will be reduced in future cases. If you and the supervisor can't come to an agreement, there are further steps to be followed, including arbitration.
- f. When possible, you should put the burden of proof on management. Let them prove what they did or didn't do was the correct action in that situation.
- g. Appeal to management's self-interest. You are asking for justice, not favors; you are expected to be fair, as you expect management to be.
- h. Know When to Stop Talking, it is usually better to say too little rather than too much. You should stop talking if you win your point. Don't continue to hash it over or rub it in. If management has conceded the grievance, the steward should end the discussion and not rehash it. Otherwise, the foreman may think of some additional reasons why the company's position is correct, and it may be necessary to reargue the entire case. Resist the temptation of bragging about your victory. Remember, you may be in the supervisor position on the next case.
- i. Attempt to settle the grievance at the lowest level. If you are unable to reach agreement, tell the supervisor that you request an appeal to the next step of the grievance procedure. Do not short cut the grievance process. Make sure the grievance follows the proper channels, even after it leaves your hands. Always report back to the grievant on the status of his/her grievance.
- j. If you reach an agreement; you should note the time, date and terms of the settlement right on the grievance form. Please be specific in terms of the settlement. It is also good advice to have the company representative and you (steward) sign off on the same form as to the terms of the agreement. This can then be used in the future should a similar situation arise or should there be a dispute on the terms of settlement.

Management Tactics

Some of the tactics that a steward may encounter when dealing with management on problems are:

1. **Sidetracking** — If the supervisor tries to sidetrack you by discussing other issues, let the supervisor talk but don't be misled and lose sight of your position. After the supervisor finishes, politely but firmly return to the grievance, the supervisor should not be cut off so sharply that offense is taken. If the other issue is of concern to the organization, the steward should ask that it be discussed after the grievance is resolved. If the subject is completely irrelevant, the supervisor should be reminded of the purpose of the meeting. Until you get an answer to the grievance, don't discuss other issues; stick to the facts and ask for an answer.

2. **Trading** — Should the supervisor want to trade grievances with you (you win one and the supervisor wins one), insist on settling each grievance on its merits. This is the just way to settle a grievance. Sometimes the supervisor may offer to split the grievance; the union wins half and loses half. This may prove to be a temptation, but it is important to remember that each grievant is legally entitled to fair representation and trading grievances may violate a union's duty of fair representation. In addition, there may be times when you will find yourself facing an employer who wants to settle a grievance based on negotiation rather than facts. In other words, the employer offers to split the difference and give the grievant four hours pay on an eight hour overtime claim. The grievant may jump at this thinking that four hours is better than none. Make sure you advise the grievant before you go into the meeting that this type of situation could arise and that any offers made by the employer should be discussed in private before a response is given. You can simply tell the employer that you will take their offer under advisement and get back to them. This will allow you and the grievant the opportunity to go somewhere quiet and review the offer in terms of the facts. The strength of the case will be an important factor in determining whether to seek full compensation or to settle for something less. Should you accept the offer do so on a "without prejudice" basis, you do not want an offer of this nature to become a precedence or over time establish a past practice.

3. **Agitate** — If the supervisor attempts to make you angry, be careful; few people can think straight when they are angry or lose their temper. Let the supervisor know you are there to settle a problem, not argue. Sometimes management will deliberately provoke a steward, hoping that, in anger, rash promises or threats will be made. Such actions result in the steward losing the respect of both management and the union members. Anger does not help make effective arguments. Avoid conflicts.

4. **Stalling** — This is a tactic that may be used by some supervisors in an effort to get the grievance thrown out for failure to adhere to the time limits spelled out in the contract. The steward must always be aware of deadlines and after giving the first level supervisor a chance to settle the problem, be ready to refer the grievance to the next step of the procedure in a timely manner.

Principles for a Steward/Supervisor Meeting

1. Develop a friendly non-hostile atmosphere.
2. State your grievance clearly and completely.
3. Why is this a grievance?
4. Keep an open mind. You may not know all the facts.
5. Be a good listener.
6. Remain firm.
7. Stick to the facts. (Stay on the subject)
8. Maintain control. Be calm. (Give and get respect)
9. Avoid personalities. (It is not who is right, it is what is right that counts)
10. Decide when to bring the meeting to a close.
11. What is the next step?

Tips for Handling Grievances with Management

1. Prevent grievances by meeting problems before they cause grievances.
2. Don't short cut the processes provided in your contract or union bylaws.
3. Know the facts, present them honestly and stick to them.
4. Don't lose your temper.
5. Listen carefully to what others say and take notes.
6. Keep records of each grievance.
7. Don't threaten.
8. Present the case objectively.
9. Attempt to settle the grievance at the lowest level.
10. Elevate the grievance without delay.
11. Don't argue with the member in front of management.
12. Make an ongoing effort to keep the member informed as to the status of their grievance.
13. Attempt to reach a resolution. Never guarantee the outcome of a grievance.

Note: Never create false hope; say "I will do my best."

DO'S

1. PRESENT YOUR CASE
2. LISTEN
3. BE PREPARED
4. KNOW THE PROCEDURE
5. BE PROMPT
6. BE PROFESSIONAL
7. COMMUNICATE
8. BE HONEST
9. REMAIN CALM & COLLECTED
10. TAKE CRITICISM
11. BE A POSITIVE ROLE MODEL
12. BE ARTICULATE
13. BE PRESENTABLE
14. BE OBJECTIVE
15. ASK QUESTIONS
16. BE PATIENT
17. BE KNOWLEDGEABLE
18. BE RESPECTFUL
19. KEEP RECORDS
20. BE CONCERNED
21. BE CONSISTENT

DON'TS

1. SWEAT
2. GET PERSONAL
3. LIE
4. BE INTIMADATED
5. ARGUE
6. BLUFF
7. MAKE SNAP DECISIONS
8. TAKE ANYTHING GRANTED
9. CHANGE THE SUBJECT
10. STAY BEHIND AFTER A FORMAL GRIEVANCE MEETING
11. SELL AN EMPLOYEE OUT
12. BE AFRAID OF MANAGEMENT
13. GET ANGRY
14. CURSE
15. EXAGGERATE
16. RUB A WIN IN THE NOSE OF A SUPERVISOR
17. ALLOW MANAGEMENT TO DICTATE
18. OVER-PLAY A VICTORY

Appendix

A. Employee Rights

B. Steward Forms

C. Exercises

Appendix “A”

Employee Rights under the NLRA

The National Labor Relations Act extends rights to many private-sector employees including the right to organize and bargain with their employer collectively. Employees covered by the Act are protected from certain types of employer and union misconduct and have the right to attempt to form a union where none currently exists.

Examples of Your Rights As An Employee Under the NLRA Are:

- Forming, or attempting to form, a union among the employees of your employer.
- Joining a union whether the union is recognized by your employer or not.
- Assisting a union in organizing your fellow employees.
- Engaging in protected concerted activities. Generally, "protected concerted activity" is group activity which seeks to modify wages or working conditions.
- Refusing to do any or all of these things. However, the union and employer, in a State where such agreements are permitted, may enter into a lawful union-security clause requiring employees to join the union.

The NLRA forbids employers from interfering with, restraining, or coercing employees in the exercise of rights relating to organizing, forming, joining or assisting a labor organization for collective bargaining purposes, or engaging in protected concerted activities, or refraining from any such activity. Similarly, labor organizations may not restrain or coerce employees in the exercise of these rights.

GRIEVANCE REPORT

EMPLOYEE'S NAME: _____

NATURE OF GRIEVANCE:

REQUEST FOR ADJUSTMENT:

CLAUSE OF CONTRACT VIOLATED:

Grievant _____ Shop Steward _____

DATE: _____

DATE: _____

Steward Fact Sheet
(For Union Purpose Only)

The information below should apply to the person making the grievance or complaint:

Name: _____ Telephone (Home): _____

Department: _____ Telephone (Work) _____

Job & Classification: _____

Rate: _____ Location: _____

Supervisor's Name: _____

Seniority Date: _____

When did the grievance or complaint occur? _____

Date: _____ Time: _____

How Often: _____ How Long: _____

Names of Witnesses Involved: _____

If this is a grievance, specify area that has been violated (i.e., article in the Collective Agreement?)

Past practice? Provincial or Federal law? Harassment? _____

Remedy Requested? _____

(Remedy should place the grievor in exactly the same position he/she would have been had the incident not occurred)

Additional information:

Disciplinary Meeting Form
(For Steward use only)

Members Name: _____ Dept: _____

Supervisor: _____ Date: _____

Steward: _____

Present at the meeting: _____

Type of discipline: (Please attach copy of discipline notice.)

Written Reprimand _____ Suspension with pay _____ Without pay _____

Previous discipline? _____ When? _____ Type? _____

(e.g., AWOL, late, insufficient notice, procedural mistake, safety, insubordination, harassment).

Were other members involved in this incident? If yes, list the other members involved. _____

Has this discipline been applied to all members equally? (If not, why not?)

Are you aware of any extenuating circumstances relating to this matter?

Has the company met its obligations regarding this incident regarding the seven key questions for "just cause."

(Attach to Steward Fact Sheet and place in member(s)/union file/steward records)

What is a Grievance?

Analyze the following situations and indicate whether or not the situation is a grievance or a complaint by circling "LIKELY" if you think it is a grievance or "UNLIKELY" if you think it is a complaint. If, based on the information presented, it is unclear whether it is a grievance or complaint, write "unclear." Be prepared to discuss the reasons for your choice. If no clear cut determination can be made, be prepared to discuss the relevant factors.

1. A member complains that too much tax has been deducted from his pay check.
2. One of your members complains to you about a supervisor making excessive checks on the quality of his work and has overheard the supervisor making disparaging remarks about him. Likely Unlikely
- 3 A worker is suspended for missing a safety meeting. Likely Unlikely
4. A worker complains that she has been reprimanded for being fifteen minutes late when three others who came in after her were not reprimanded. Likely Unlikely
5. A worker approaches the steward with a complaint about a strained back. The worker thinks that this occurred on the job lifting heavy objects and wants you to file a grievance so that the company will pay the medical bills and remunerate for lost time. Likely Unlikely
6. You notice a broken safety guard on Joe's machine. When you ask him about it he says that he didn't want to bother the foreman about such a small thing. Likely Unlikely
7. Time off for the birth of a child or to tend to a family illness is not provided for in the contract but it has always been allowed. The company without prior notice, suddenly discontinues the practice. Likely Unlikely
8. You learn that some members are working at a job that carries a higher rate of pay than what they are actually receiving. Likely Unlikely
9. A member wants to leave work early to go to his son's first Christmas concert and the supervisor has told him that it is out of the question. Likely Unlikely
10. Joe was suspended for three days, for trading insults with the foreman about the way the job should be done. The foreman felt it should be done differently. Likely Unlikely

- | | |
|--|------------------------|
| 11. It is a very cold day and the machine heating system is not working. The employee does not have enough coats and gloves to stay warm. The employee asks to go home but is refused. | Likely Unlikely |
| 12. The company violates the decision of an arbitration award that has been recently handed down. It directly affects a couple of members in your workplace. They complain to you. | Likely Unlikely |
| 13. Your stepson has died and you want to attend the funeral. Your leave request is denied. | Likely Unlikely |
| 14. The employer has given a productivity bonus to all employees in a department and nothing to the other employees on the job. | Likely Unlikely |
| 15. Upon leaving the job after a callback, you discover that someone has slashed two of your tires. You put in an expense claim for the damage but the employer refuses to pay. | Likely Unlikely |

What is the Steward's Job?

1. Although you encouraged all the members where you work to attend a union meeting the night before, the members who did not show up are complaining because a motion to deduct \$10.00 per month for a Local defense fund was adopted. As the steward, what would you do?

(Check the following answer(s) that you believe are correct and be prepared to explain why.)

_____ Explain why the union took the action that it did.

_____ Take their side and encourage them to call a special meeting.

_____ Tell them it serves them right for not coming to the meeting.

_____ Go to the union executive and tell them that the members are not happy about the decision and advise them that this could turn into a very contentious issue

2. Sam has been working in your department for about six months. Although he pays his dues, he is not a member of the union and never misses a chance to criticize the union. Sam recently did some call out work which according to the contract should be paid at the double time rate. Sam, however, was only paid time and a half. It appears to you that management is acting in violation of the collective agreement but Sam has not approached you to intervene for him.

a) What would you do as Sam's steward?

3. TRUE or FALSE: What is the steward's job?
- a) ____ To ensure that provisions of the contract are being respected.
 - b) _____ Only listen to members who have legitimate grievances.
 - c) _____ To encourage all members to attend union meetings.
 - d) ____ To decide if a grievance should go to arbitration or not.
4. There is a provision in the contract regarding days off/vacation days that you are getting a lot of complaints about. According to your interpretation there is no violation of the agreement and management is in the right on this one. Even the chief steward agrees with you. What would you do about it? Why? Pick one.
- a) ____ Tell the members that it is tough, but what can you do about it?
 - b) _____ Organize a protest against the contract provision because the union has let the members down.
 - c) _____ Tell the members that you are going to management and if they don't give you what you want everybody is going to walk off the job.
 - d) _____ Tell the members that you are taking the case to the union as a proposal for the next set of contract negotiations.
5. One of your union members is accusing another member of stealing the lunchroom coffee money. What would you do?
- a) ____ Report the matter to the foreman.
 - b) _____ Tell the accused to keep quiet and talk to both of them in private.
 - c) _____ Call a department meeting and air the whole business in public.
 - d) _____ Contact your Local Union Representative or Business Agent immediately and let them handle it.

Steward Relationships

(Answer true or false)

1. What is the steward's relationship to the supervisor?
 - a) _____ The steward must consider the supervisor's point of view, as well as the employees.
 - b) _____ The steward and supervisor, not the contract, make the relations in the department.
 - c) _____ The steward and supervisor are restricted in what they can do by the contract.
 - d) _____ The steward shouldn't be shy to "tell the supervisor off" and be "tough" with him or her.

2. What is the steward's relationship to the local officers?
 - a) _____ The steward works for the Business Manager.
 - b) _____ The steward is responsible to the employees in the steward's department and to them alone.
 - c) _____ The President or any other union officer can direct the Steward on what to do.

3. What is the steward's relationship to employees in the steward's department?
 - a) _____ The steward must enforce every provision of the contract including company rules.
 - b) _____ The steward should refuse to take up a grievance if he believes that there has been no violation of the contract.
 - c) _____ The steward should play peacemaker between the employees and the supervisor.

4. A. You (a **female steward**) learn that a member of yours, who is very timid, is being sexually harassed by her male supervisor. What is your best approach and be prepared to explain why.

- a) _____ Sexual harassment is a very serious matter and should be reported to your business representative immediately.
- b) _____ Wait for her to come to you in her own good time.
- c) _____ Tell the supervisor to cut it out.
- d) _____ File a union grievance without the member's knowledge to save her embarrassment.

B. If you were a male steward would you do anything different? Why?

5. Bill tells you that he has been told to report to his supervisor at noon. He also informs you that he thinks it is about the fight he had with his foreman the day before. He wants you to accompany him. What would you do?

6. John is the oldest guy in your division. Everybody knows him and thinks he's a great guy. His son recently got out of school but is having a hard time finding work. He wants you to put in a good word for his son with management and asks you to accompany him to the personnel department. What would you do?

INVESTIGATING GRIEVANCES

Sam Winston has been working for his employer for about eight years. He has good work record, and is well respected by his co-workers. In fact, several years ago he was offered a job in supervision, but he turned it down.

On Monday Sam did not come into work, and he did not notify his supervisor that he would not be in. The department that Sam works in is a small one, and when someone is absent it usually is difficult to find someone to fill in for them. Sam's supervisor couldn't find a replacement for Sam, and work suffered that day.

Sam did come in on Tuesday, but he was out again on Wednesday, and again he failed to give supervision any notice. When Sam came into work on Thursday, his supervisor fired him.

Sam's wife and baby have been sick. He stayed home on Monday to take care of them. Tuesday his sister-in-law came over to take care of them, so he came to work. Wednesday, however, his sister-in-law did not show up as she had promised, so he stayed home again. Sam lives on the outskirts of town and his telephone was out of service.

Sam's contract reads, "A worker absent twice without notice is subject to discharge."

What steps would you take to investigate this grievance?

What additional information will you need?

INVESTIGATING GRIEVANCES EXERCISE

Mary Smith was discharged from her job as a loader operator for reasons stated by the company, that she had used profanity toward one of their supervisors.

Smith had gone into the garage 15 minutes before quitting time to discuss something that was wrong on the loader which she had been operating. There were two other workers standing in the rear of the garage.

As the shift supervisor walked into the garage, some remarks were passed between Smith and the mechanic about what they had done on New Year's Eve.

It seems that the rumor around the job was to the effect that the shift supervisor and the general foreman and their wives had been involved in quite a bit of drinking at a New Year's Eve party. The shift supervisor had been in for quite a bit of kidding around the job because of it.

At this moment, her shift supervisor according to Smith, turned and took a menacing step toward her and told her to get out of the garage and to stay on the job until quitting time. The supervisor claimed that he meant this directive for all employees that didn't belong in the garage.

The shift foreman and other foreman had used strong profanity towards Smith in the past, so Smith was supposed to have used strong words towards the supervisor concerning his directions. The supervisor told Smith that she was fired. They both walked out of the garage and into a machine shop where Smith asked a steward to come outside, they wanted to talk to him. After a lengthy conversation between the three of them, the supervisor told Smith that he would forget it.

Smith went home. Later that evening, management called her by phone and told her not to come back to work, that she was discharged.

What steps would you take to investigate this grievance?

What additional information will you need

