



## TIPS FOR USW Local 2009 STEWARDS

1. Unless an order is illegal, unhealthy or unsafe, advise members to “obey now, grieve later”. If you don’t know the answer to a question, check with the union office.
2. Try to settle grievances early. The higher it goes, the tougher it gets. Upper management usually don’t want to overrule their supervisors.
3. The completed grievance form must explain the complaint, explain why management’s actions are contrary to the agreement, and fully outline the remedy requested. Keep a copy.
4. Be aware of time limits and stay within them. But don’t withdraw a grievance if you do miss a deadline.
5. Investigate promptly. Take notes, in a bound notebook. Witnesses disappear. Memories fade.
6. Ask the grievor to write out the full story – names, dates, places, actual quotes – and to date and sign it. Make sure the grievor gives you a full statement regarding his/her employment and disciplinary record.
7. If you know of violations of the collective agreement, encourage members to file grievances. That’s how we make sure the employer respects our contract.
8. Separate personal vendettas from real grievances. Make sure the grievor knows what the issues are.
9. Interview witnesses who support the grievor and those who do not. You want to know what really happened and what you’re up against.
10. Collect statements from all witnesses – signed, dated and in their own handwriting. Alternatively, write out the witness’ story yourself and have the witness sign it to confirm it’s accurate. If that’s not possible, add a note that you read the statement to the witness and the witness confirmed it was correct.
11. Gather all available documents, such as seniority lists, medical records, and absentee records. Check past practices. Review the collective agreement.
12. In a discharge or discipline case, after the grievor has given you a statement, ask whether the reasons that management has given are the real reasons or whether there are other reasons that the grievor suspects.
13. Present a united front when meeting with the management. Plan and prepare your case. There should be only one spokesperson. If others wish to speak then it should be planned before the meeting. You can also call a caucus to discuss additional information and determine who presents it.

14. Keep your member(s) informed at every stage. Be honest. Brief your member before every meeting with management. If you have to meet with a manager on your own, explain why you are doing it.
15. Try to anticipate the management's position. Be firm. Don't lose your temper. Show respect, but demand equal respect. It's your job to fight for the member's rights. No horse-trading; each grievance stands on its own merits.
16. Make notes of meetings. Write down management's side of the story.
17. Don't accept a management argument that the grievance is not valid or arbitrable. That's for an arbitrator to decide.
18. Grievances are the property of the union. The USW Executive Board may decide to withdraw the grievance after thorough investigation and consideration. The member will be informed of their right to appeal the decision.
19. Unions and their stewards have a legal duty to represent employees. You cannot ignore a grievance or drop it in a manner that is arbitrary, discriminatory or in bad faith
20. Be a good winner and a good loser. There's always a next time.
21. Remember: when you are dealing with a supervisor you are acting as an officer of USW Local 2009. As a steward you are an equal with management's representative.

## TYPES OF GRIEVANCES

A steward can classify grievances according to where they come from and how they arise. Grievances are also classified according to who is affected.

**Individual grievance** – Used when the subject matter of the grievance is personal to an individual. Discipline is almost always grieved by using an individual grievance. Most grievances are individual grievances.

**Group grievance** – Used when a group of workers join together in filing their grievances. For example, where everyone on a shift was not paid overtime. In that situation, instead of everyone on the shift filing separate individual grievances, a group grievance can be filed. All individuals affected by a group grievance must be named to ensure that each member receives a remedy if the grievance is settled in their favour.

**Policy grievance** – Used when the subject matter of the grievance is of general interest and where the individual employee may or may not be affected at the time the grievance is filed. Criteria includes a large number of people affected, a large number of alleged violations. The remedy is for more than one individual and is often in the form of a declaration.

## THE SIX “W”S IN INVESTIGATIONS

1. **WHO** is involved in the grievance? Name(s), clock and department number; seniority date; phone number. (Don't forget the supervisor or management representatives involved and any witnesses).
2. **WHAT** happened that caused the violation? Improper layoff or recall? Safety guard not replaced? Improper promotion or transfer? Unfair discipline?
3. **WHEN** did the grievance occur? On what day and at what time did the act or omission take place which created the grievance? For how long or how many times? Is it within time limits to proceed with a grievance?
4. **WHERE** did the grievance occur? Exact location: department, job site, store, machine, aisle, job number, etc. (A sketch, diagram, or photograph may be useful.)
5. **WHY** is this a grievance? Has the collective agreement been violated? Is it a violation of a labour law or human rights code? Is there a dispute about the interpretation of the collective agreement? Is it about improper or excessive discipline?
6. **WANT** what does the member want to resolve the violation of rights, the interpretation problem, or the discipline? (Usually we ask for “redress in full” which includes re-instatement, full seniority, back pay, etc.)

## A STEWARD'S RIGHTS

Stewards have to challenge the employer's authority when members' rights and the contract are violated. So what protection do you have when you do that?

As a steward, you are the employer's equal and deserve to be treated with respect. You do not need the employer's permission to speak, to enter a meeting room, or to sit down. You do not have to put up with abuse or intimidation from the employer, and you should set the employer straight if this happens. That's not to say that the employer must treat you with kid gloves, or vice versa. It's usually a conflict that brings you together, and both sides have the right to present their positions energetically.

It is against the law for the employer to interfere with, restrict, discipline, or discriminate against you for performing any legitimate trade union activity. If you face any difficulties or reprisals in doing your job as a steward, contact the union hall immediately.

Most collective agreements protect union activity. If the employer tries to deny your rights as a steward, they are also violating the collective agreement.

Most collective agreements allow you to do steward duties on work time. Read your own collective agreement and check with your union servicing representative for specifics.

Typically, stewards can file grievances, attend problem-solving and grievance meetings, and accompany members to disciplinary meetings on work time. (The member or grievor is also entitled to attend these meetings on work time.) Other union work, such as investigating grievances, distributing information, or encouraging workers to take part in union campaigns, must be done on your breaks or outside of working hours.

There are some limits on a steward's behaviour. You cannot, for example, advise employees to disobey the employer's orders unless those orders are illegal or pose a threat to health and safety. You must also continue to meet your obligations as an employee, unless you are off on union leave.

## **SOME BASIC RULES FOR INTERPRETING COLLECTIVE AGREEMENTS**

- ✓ Read the agreement as a whole. One piece does not stand alone.
- ✓ If there is a potential conflict, provisions that come first override provisions that come later, and specific provisions override general provisions.
- ✓ Definitions at the beginning of the collective agreement can be used to interpret any provisions in the agreement, unless a specific definition or exception is noted somewhere else. If a word is not defined, use its ordinary, dictionary meaning.
- ✓ Your collective agreement is considered to include all the rights set out in human rights and work-related laws, whether these laws are specifically referenced in the agreement or not.
- ✓ “May” means optional. “Shall” and “must” mean mandatory.
- ✓ “And” means both/all. “Or” means either.
- ✓ A “working day” and a “calendar day” have different meanings. Pay attention especially when calculating time limits in your grievance procedure and other kinds of notice periods.