

WHAT IS A STEWARD?

A steward is an officer of the Union and is the communications link between the group of members he/she represents and the Union Executive and other Committees that deal with the day to day business of the Union.

The Union Executive is made up of an Executive Representative elected from each division and the Table Officers eg. Secretary, Trustees, and the Chairpeople of other elected Committees eg. Grievance Committee, Contract Committee. The Grievance Committee consists of an elected representative from each Division, and its function is to meet with the University at Step 4 of the Grievance Procedure. The Committees, their constitution and function are set out in the local by-laws.

The steward is the Union Officer with whom the membership has most direct contact. A steward usually represents between five and twenty people who form one office or unit. The steward should keep his/her group informed of up and coming meetings, sign people up and so on. An effective and well-organized steward structure means that every member of the Union is in touch.

The steward acts as his/her members' representative, spokesperson and advocate. The steward must be prepared to counsel members on their rights at work, and be on the alert for infringements of the contract or membership rights.

Meet new employees and talk to them about AUCE. Always be accessible to all members and encourage them to "use" the Union. Be prepared for questions, and if you don't know the answer say you'll FIND OUT--ask your Division Steward, or someone on the Grievance Committee or another officer of the Union.

Introduce yourself to the Department Head (along with another Steward if you prefer). Make the Department Head aware that you should be kept informed regarding matters relating to the contract.

IN BRIEF:

- 1) Familiarise yourself with the contract, and also, the Constitution and By-laws.
- 2) Police your contract. Remember that Union members as well as the University should abide by it.
- 3) Be accessible. Get to know your members, and keep in touch with them.
- 4) Attend Union meetings. Be informed and up to date.

GRIEVANCES!

As a steward it is your duty to investigate ALL grievances. You are not a judge but an advocate. If after investigating a grievance you think there are insufficient grounds for a grievance say so--don't raise false hopes. Don't be intimidated by an aggressive grievor. Seek out the timid ones who may have a grievance, but are not forthcoming. If for some reason you feel you cannot handle a grievance refer it as quickly as possible to another steward--you may find in some office situation that it is best for a steward "outside" the office to deal with a particular grievance. Keep your Division steward informed of all Grievances and especially those which are about to go to step three.

Learn the Grievance Procedure. A minor error in processing the procedure can invalidate the entire Grievance--you can avoid a lot of agony by reading the Grievance Procedure through carefully each time you deal with a Grievance and ensuring that you are observing each step correctly.

A successfully handled Grievance is a grievance that is settled early on. It is essential that as many grievances as possible are settled in the initial stages, thus avoiding the thorny path of arbitration (see arbitration section).

NEVER EVER consult with management about the contract or about a Grievance you may be handling unless another steward, Union member, or the Grievor is present. In the case of a grievance the Grievor should always be present. This will protect you from charges of collusion with management, and will prevent management making overtures to you in order to get you to "make a deal."



page 2---stewards continued.

WHAT IS A GRIEVANCE? Basically, a grievance is a violation of the Contract by the employer. (see Article 35; Grievance Procedure for a more detailed definition)

FIRST determine the article and section being grieved. REMEMBER you are not grieving an injustice but a contract violation. If you can't find an Article to fit your grievor's complaint then consult another steward--at the very worst our contract may have a glaring loophole in it, or alternatively there may be more than one clause you could grieve under. Always consult when in doubt, and remember that there may be a precedent established on the Grievance you are handling.

Step 1 in AUCE Local 1's procedure is verbal to the supervisor. The supervisor cannot be a Union member ie. a member of the AUCE bargaining unit as defined by the Labour Relations Board. The supervisor to whom you take your Grievance is your immediate supervisor OUTSIDE THE BARGAINING UNIT.

At step 2 you put the grievance in writing. Simply state the article and clause violated and the date (remember those time limits) and get your grievor to sign it. DONT FIGHT YOUR GRIEVANCE ON PAPER, set it out something like this:

Ms. \*\*\*\*\* grieves violation of Article 29, section 4. NOT Ms. \*\*\*\*\* grieves that her supervisor won't pay her for overtime, but insists that she takes time off instead as there is no money left in the Department Budget for overtime, but Ms.\*\*\* wants the money.

If and when you get to step 4 of the Grievance Procedure all kinds of other evidence may emerge which you were not aware of at Step 1. Collect as much supportinve evidence as possible in the early stages and put everything in writing. Remember there is always a possibility of arbitration and your records will help the Grievance Committee prepare its case.

When meeting with the supervisor try to impartial and cool. If possible don't let personality conflicts or hostility between the supervisor and grievor intervene. Don't antagonize the supervisor unnecessarily. NEVER discuss a possible compromise or proposal to solve the grievance that management may put forward in a meeting without discussing it with the griëvor first. If necessary caucus, or ask for time to think it over.

Always ask for a settlement even if the supervisor disagrees with your case. If it's obvious that the supervisor won't settle and is trying to browbeat either you or the grievor into dropping the grievance, end the interview and tell the supervisor that the grievance goes as a matter of course to the next step.

When the grievance is settled, get the grievance form signed, with the settlement recorded by both the University and the Union and send a copy to the Union office. Records are vital for precedents and verification. Should you or the grievor want to withdraw a grievance at any stage a common formula is to "request that the Grievance be withdrawn without prejudice"---again, get it in writing.

NEVER let a union member go to management with a problem about another union member. This is a difficult situation, and is best dealt with on "the Union floor", so consult with the Grievance Committee.

All Union meetings are open meetings. However, the grievance Committee decided that should a grievor request confidentiality that observers would be asked to leave, and that every effort would be made to keep details of the grievance confidential.

GRIEVANCES BY NON-MEMBERS IN A RAND FORMULA UNION: Having surrendered the right to contract directly with the employer, the employee has a right to expect the Union to represent him/her fairly. This duty of fair representation as set out in the Labour Code applies to ALL THE MEMBERS OF THE BARGAINING UNIT, whether members or non-members, and is exercised, primarily by using the grievance procedure. The Union is under a legal obligation to represent non-members as well as members through the grievance procedure.

IN BRIEF:

- 1) As a steward you should investigate ALL grievances referred to you.
- 2) Be impartial. Learn to recognize legitimate grievances and head off phony or political grievances.
- 3) NEVER meet with management on your own, or make deals.



page 3---stewards continued

- 4) Determine exactly what article of the contract is being violated, and that the Grievor wishes to grieve under this article.
- 5) Put the minimum of necessary information on the Grievance form, eg. date, article violated, and grievors signature. Keep everything in writing.
- 6) Make every attempt to settle the grievance at as early a step in the Grievance Procedure as possible.
- 7) In the Grievance Procedure the supervisor refers to the first immediate supervisor OUTSIDE the Bargaining Unit. ie. a non-union member.
- 8) If management is not going to budge on a grievance take control and terminate the interview. Always give management a chance to change their mind--but don't make any deals.
- 9) NEVER agree to a management "offer" in a meeting without discussing it with the grievor first.
- 10) When in doubt always consult someone else. If you can't answer a question say you'll find out.

#### ARBITRATION

The B.C. Labour Relations Act requires that every collective agreement contain a provision for "final and conclusive settlement ( of contract differences) without stoppage of work". Legally speaking every dispute not resolved at the earlier stages of the grievance must be either abandoned or taken to arbitration.

There are many forms an arbitration procedure can take. eg. single arbitrator, permanent arbitrator, two-stage arbitration etc. The most common is the 3 person board. AUCE Local 1 has a single arbitrator.

Arbitration is regarded as an alternative to striking in order to enforce the contract when management has violated it, and was originally justified within the Labour movement as a less costly alternative to members.

The arbitrator decides the case according to the rights of the parties ie. their legal and contractual rights. Management is held to have all rights, unless specifically limited by law, contract, or (to a limited extent) by strongly established precedent. If the employer has not exceeded its rights under the contract law, etc. the arbitrator would rule in the employer's favour. This legalistic approach makes arbitration very technical and a legal ruling need not necessarily be a "fair" ruling from a laymans point of view.

#### POINTS TO CONSIDER IN TAKING A CASE TO ARBITRATION:

The Grievance procedure states that "the arbitrator shall within 15 days settle the dispute." (The time limit may be extended by mutual consent.) CAIMAW ( The Canadian Association of Industrial Mechanical and Allied Workers) states in a brief to their stewards that the average time for a grievance from initiation to arbitration is 50 weeks. "Justice delayed is Justice denied." In a case involving Student Assistants that AUCE Local 1 took to arbitration the University unilaterally declared the case not Arbitrable, thus choosing, in effect, to ignore our Grievance Procedure. However, the delay involved by the time the Labour Relations Board had ruled that the case should go to arbitration was considerable--this is simply one example of a management delaying tactic.

The cost of an arbitrator varies, but \$400.00 per day is the minimum, with the cost being shared by Union and management. Additional costs may be half the cost of a conference room, stenographic costs, and lost time for witnesses.

Theoretically an employer with superior financial resources could push every minor grievance to arbitration if the union isn't going to win it. There are situations in which the union has no choice except to proceed to arbitration, but a responsible steward should not encourage in the members a "blind faith" in the arbitration procedure. A successfully handled grievance is one settled in the initial stages of the grievance procedure.



#### ALTERNATIVE TO ARBITRATION

INTERPRETATION: a provision of the Labour Code which allows application to the Labour Relations Board to appoint an officer to interpret the section of the contract in dispute. This costs nothing. The interpretation is binding, but does not set a precedent. It is possible to have the same section interpreted more than once. (but not for the same case) and receive different rulings.

#### A BRIEF HISTORY OF AUCE

The Association of University and College Employees had its beginnings early in 1972, when a number of UBC workers not only decided that a union was needed but also that it should be a "new" kind of union. A study of traditional union structures had indicated that the only way to have a democratic union that would be controlled by, and meet the needs of UBC employees would be to create an entirely new and independent organization.

In the fall of 1972, after a summer taken up with the writing of a constitution, AUCE was officially formed as a union by a group of approximately twelve UBC workers. An organizing campaign was immediately started to sign up clerical and library workers. By early 1973, however, it became obvious that there would not be a sufficient number of members signed up to make an application for certification to the BC Labour Relations Board before the annual spring turnover of staff took place at UBC. The Union was therefore dissolved, the intention being to begin a second drive in the Fall. Following another summer spent re-writing the original constitution AUCE again came into existence on August 30, 1973. In mid-September Local 1 (UBC) embarked on what was to become a successful organizing campaign. Over 600 had become members. On December 14, AUCE Local 1 made application for certification of the clerical and library employees at the Point Grey campus. It then took 4 months of waiting before the LRB supervised a referendum vote on April 8,9,10 to determine AUCE's actual support in the Library and Clerical unit. Out of a total of 923 votes polled 820 voted "yes" for AUCE and 108 voted "no". Local 1 was certified April 11, 1974. Since that time, the UBC Clerical and Library staff at Vancouver General Hospital have joined the Point Grey workers to form a unit of approximately 1300.

Although AUCE started at UBC, Local 1 was not the first local to be certified. AUCE Local #3 at Notre Dame University of Nelson was granted certification by the LRB April 3, 1973. There are other locals of AUCE at Capilano College and Simon Fraser University.

It had taken two years to accomplish what almost everyone said couldn't be done--organize over one thousand workers into an independent union--without professional union organizers or outside funds. The success of AUCE has been the result of numerous things, but above all the willingness of many, many people to become involved in the creation of "our" union.

\*\*\*\*\*