

SHOP STEWARD

HANDBOOK



An AUCE/SORWUC Production



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...Remember...the Union keeps us strong

"Rock-a-bye baby, in the tree top,
When you grow up, you'll work in a shop,
When you get married, you'll have to work too,
Just so the rich will have nothing to do."

((from a labour song book))

I YOUR RIGHTS AS A STEWARD

A. Leaves From Work To Process Grievances

Your rights as a steward to investigate and process grievances at work depend on the language in your contract. This can be found in the Articles entitled "Stewards" as well as under "Grievance Procedure" or "Adjustment of Complaints". If you are a member of SORWUC you may not be eligible to take the time off with pay, so you should proceed as in the next section, and take the time without pay under "Union Activity" or "Leaves for Union Business". If you do not have the rights, you must be sure to investigate grievances on the phone, at coffee, lunch or somewhere where you won't get caught. It is too bad that some contracts restrict the rights of SORWUC stewards like this - but it also goes to show how aware an employer is of the effective role a steward can play in keeping a union going in an office.

B. Leaves From Work For Union Business

AUCE and SORWUC contracts have Articles which allow union reps. to take short term leaves of absences to attend to union business. If you are a SORWUC member and do not have right to take time off under your steward clause with pay, you can use this clause to argue your right to process a grievance. A union rep. is quite loosely defined in most contracts, and presumably if you are elected or appointed (by committee) to perform a job or represent your union somewhere, then you are a union rep. Members can take time off under this clause to help publish newsletters, attend committee meetings, conferences, go leafletting etc. USE THIS CLAUSE - it was originally negotiated with the idea of allowing people to take time off so that the running of the union and participation in union affairs was not limited to a few people.

II YOUR RESPONSIBILITIES AS A STEWARD * SOME GENERAL RULES

Your major responsibility is to assist your co-workers to get satisfaction for their grievances. To do this, there is a whole range of things you need to remember. The thing to remember first is that you have help. In AUCE there are Grievance Committees set up for the Locals, in SORWUC there is an outside person, a member of the Local Executive, who is assigned to assist your unit. In both cases there is a union office full of (hopefully) references to other grievances, and someone who can help you.

A. Know Your Contract - Keep it in your drawer, along with some extra copies and refer to it often so that you get to know it. It will become clear to you as you assist with grievances what exactly some of the language means, but it will help if you build up a good idea of what it does and does not permit you to do. A good way to figure it out is to get hold of some other contracts and read them over for comparison.

B. Sign Up New Employees - Meet these people as soon as you can - introduce yourself and give them a copy of the contract. You may or may not have a clause in your contract which allows you take time off to talk to them about the union, so check this out. If you don't, then take them out for coffee or lunch. Your contract will have a section for new or probationary employees and it covers their rights, when they can join the Union (after 2 weeks or 30 days or some such) and the responsibility of the Employer towards them. Make sure they understand this section and that they still have the right, even if they are probationary employees, to grieve something if it unfair and not explicitly excluded from them as a right. You should also explain the Union to them - what the dues are, how the Union got started, what else it does, etc. Give them a copy of the Constitution and By-laws. Remember, you are their first contact with the Union

C. Bulletin Boards - Keep it up to date. Inform members about the status of grievances. Tell them what is going on in other offices or units particularly if it has a wide application. Post your newsletter, minutes of meetings and notices of and agendas for upcoming meetings. Make sure that job vacancies are posted and then put up anything else you think is of interest to the members. Encourage your co-workers to use this board too. If you use it and make it interesting it can be a very effective way of communicating and making a point. Items from papers etc. are good too - remember, our unions don't exist in a vacuum. Try and ensure that it is a good location so that people will have time to look at it. Encourage people to add items to agendas, especially if it is for your own office meeting - remember, this is the first way that they learn the skills of participating in meetings and speaking up about things.

D. Meetings - Try and ensure that your office holds regular meetings - every other week or once a month. Choose a convenient time and place and circulate notices about it by mouth, the bulletin board and/or memos. At the meetings, be sure that there are reports on what is happening with the rest of the Union AND on what is happening in your own office. Members could be encouraged to discuss the business that the Executive does and make suggestions and/or criticisms. Talk shop too - these meetings are a good place to find out what is going on with people's jobs and with their Supervisors. This meeting is often where an unnoticed grievance could come out. Ensure that vacation lists, time off, schedules, maternity leave, sick leave, replacement staff etc. are being properly dealt with by management. For example, if Mary has been sick for 2 weeks, has anyone called her; who is replacing her or will she have a relapse when she comes back cause it is all piling up on her desk; or is Sue doing all Mary's work plus her own??? Try and figure out these things among yourselves before they become serious grievances.

You should also try and find out, either in these office meetings, or in private discussions, how things are between people. Sometimes a person will come to you with a grievance which is not something that can be won under the contract as it is between union members - a situation that is to be discouraged as it can create difficulties for the working situation. First try and figure out if the problem is a result of conflicting job descriptions or conflicting instructions issued by a supervisor. A contract is signed by management and the union, and a grievance can only be lodged by one against the other - there is no recourse for one union member against the other under the contract and if the problem is bad you should consult your by-laws and constitution if there is no solution through changing the work situation.

E. Your Co-Workers - Keep up on what is happening with them. Who is pregnant, who wants paternity leave, who needs to take time off for a citizenship hearing, who is having trouble with a supervisor or co-worker. If you keep on top of these things, you may be more effective when a grievance situation arises - you will have more knowledge of and confidence in your workmates, and they in you. It is important for unit solidarity that people know what is happening with each other, both on the job, and sometimes on a personal level. This can cut out or reduce the "office politicking" or "backstabbing" that sometimes goes on.

F. Records - If you and your co-workers have good records of office meetings, you will be a good deal more effective in your work.

- F. Records - If you keep good records of issues discussed at meetings and of your grievances you and your office will be in a good position to talk about what you want added, taken out or changed in the next contract. You should keep notes about these things in a separate file so it will be handy when you start negotiations come up. Your office should have its own small set of union files - grievances; minutes of your office meetings including records of elections of stewards, convention delegates (if you are in SORWUC), motions and/or directions passed from your unit to the Executive; and a future negotiations file.

III HOW TO PROCESS GRIEVANCES

A. Some General Rules

1. KNOW YOUR GRIEVANCE PROCEDURE. This includes knowing time limits; when the grievance has to be filed with management in writing and who you should see in the management hierarchy at the different steps of the procedure. A time limit is the number of days specified in the procedure which you are allowed for each step, including the amount of time you have from the occurrence of the alleged grievance before you file it with management. If you miss the time period, they can refuse the grievance on those grounds. For example, if your contract says a grievance has to be filed within 14 days of its occurrence, then that is what it means! Remember that you take up your grievance with the first management person - that is, someone who is outside the union. Read your grievance procedure over each time you start a grievance and refer to it along the way. Time limits are one reason that it is important for you to know what is going on in your office as a grievance might happen and the time period elapse before someone got around to telling you about it.
2. KEEP ACCURATE RECORDS - You may discover a pattern in a particular supervisor's attitude to certain employees or to the union. These records are valuable to you and to future stewards as well as to stewards in other offices.
3. INTRODUCE YOURSELF - to your co-workers and to your supervisor or direct employer. This includes ensuring that a formal letter goes from the union office to the employer if your contract so requires it. This helps let the union office know you are a steward too - the information does not come to it by osmosis. Get in touch with other stewards or former stewards and keep their phone numbers handy. Two brains are often better than one!
4. REPORT - To your grievor and to the union about the process of the grievance. You could report to other stewards and your own office too, provided that your grievor doesn't mind her grievance becoming public knowledge.
5. NEVER CONSULT WITH MANAGEMENT - about how to handle the grievance in any way. Remember, you are the representative of the union in that person's eyes. If you have to consult with them about how they are interpreting language for example, take someone in with you, or do it by letter. Your intentions when you go to talk with management may be the best in the world, but your co-workers will be wondering a bit and private talks can prejudice their trust in you and your ability to be a good steward. It is flattering to be approached by management with a "let's talk" line, but it is dangerous for you and the Union.

6. TRY AND SETTLE THE GRIEVANCE EARLY - While you should not accept less than the grievor deserves it is good to remember that justice delayed is justice denied so you should be persuasive, polite and firm. Give management a chance to correct the problem before you jump on them.

B. The Actual Grievance

1. First, find out all the facts: What happened;
Who was involved;
Were there any witnesses;
When and where did it happen;
Are there any written materials relating to it?

Record all this information and start a file on it.

2. Discuss the grievance with the grievor. Determine with her/him, which Article or Articles of the contract have been violated. Remember, while it may be an injustice that has occurred, you are grieving a contract violation - and the measure of a good contract is how well it can prevent the occurrence of injustices. Also, what may be an injustice to an employee may be the working out on that person of bad contract language. If you cannot find an article to fit your grievor's complaint, consult someone else. There may be more than one Article under which you can grieve, and there may have been a similar case somewhere else before.
3. Assess your grievor and the grievance. You should try as hard as possible to be realistic. Your grievor may not have a case, but you must help her/him to establish it. BUT, don't be afraid to advise her/him that it might not work. If you don't try and help the grievor, the union and the contract will start to look weak in the eyes of the members. Ask questions of other employees, if pertinent, to ensure that your grievor has not omitted some detail which s/he assumes you will know or which may weaken the case.
4. Work out an acceptable settlement. What does your grievor want and what should management have done, according to the contract, in the situation. Often your contract itself will tell you what the right thing is, but it may not. This process will involve an effort on your part, and on the part of grievor to assess the employer and their attitude to the Union.
5. Work out a "game plan". Try and figure out, with your grievor and perhaps with another steward if the grievance is not straightforward, what your management's reaction is going to be. If you say "X", and they say "Y", then you settle. If they say "Z", then you go to step 2. What might their reasons for refusal be - pride, ignorance, vendetta?? This will help you figure out what step it will be mostly easily settled at. Then you will not have to spend too much time figuring out how to get a settlement from a management person who cannot or will not help.

C. How the Steps Work

All AUCE and SORWUC contracts differ in the exact number of steps, whom you see at the different steps and how long each step lasts (time limit). The following is a general set of guidelines to help you follow your own particular contract. READ YOUR OWN CONTRACT to know exactly how its steps are worked out.

Step One

This is usually a verbal meeting between yourself, the grievor and the grievor's immediate supervisor (unless that supervisor is the person against whom the grievance is being laid, in which case you go to Step 2).

Discuss your notes etc. with the grievor when you go in to the meeting. Tell the Supervisor that the Union and the Grievor allege violation of the Article so and so, clause such and such of the contract, and ALL RELATED ARTICLES. This latter phrase covers you later on if you discover another and better way to fight the grievance. Take a copy of the contract with you.

Ask why the grievance happened and suggest what you would like to see in the way of settlement. Listen to the reasons given by the Supervisor. Insist politely but firmly on reasons and ask for evidence if the situation calls for it. Do not let yourself or the grievor be browbeaten or accept less than what you honestly feel the grievor deserves. If it looks like nothing is going to happen, tell the Supervisor that the meeting is over and that you are going to proceed to Step 2 (if your contract allows this this notification to be verbal). Keep notes of the meeting and write them up afterwards.

If your contract calls for Step 1 to be a written step, then write it out like this:

"Ms. grieves violation of Article #, Section #, and all other related Articles."

Not like this:

"Ms grieves that her supervisor won't pay her overtime but insists that she take time off in lieu of pay as there is no money left in the Dept. budget, but Ms. wants the money."

Step Two

If Step 1 does not resolve the grievance, or if you have to start at Step 2 because your grievance is against the supervisor, you should have told the supervisor this, preferably in writing, keeping one copy for your own file. You should say, in most cases that the results of completing Step 1 were not satisfactory and that you intend to proceed to step 2, citing the alleged violation and Articles of the contract etc.

The second step is usually the initial written step. Reduce the grievance in writing, adding documentation if possible, and submit it to the person named as the management rep. for that step in your grievance procedure. Explain the time lengths etc. to both the grievor and the supervisor. Give the supervisor the required number of copies and give the grievor one too. Keep one for yourself. For yourself, only, keep a personal history of the grievance which will include alternative settlement proposals and extra evidence.

Step Three

Again, this step depends on your own particular contract. Sometimes it may be a meeting of a union's grievance committee and the employer's labour committee. By the time you have reached this step, your employer should have been informed (if he has not already been informed), of the names of your representatives on the grievance committee (if your contract calls for this to be a part of grievance procedure). Alternatively, this step may be more letters, or a meeting with the senior management people or with an individual. Or it might be a rep. from the board which supervises your unit's work if you are a SORWUC unit working for a board.

This stage is an important one (as they all are) because at this level you can bring in outsiders. Be certain that all parties have all the documentation and that YOUR side meets before the meeting so that you can go over the general history of the particular grievance and fill in the other reps. and parties on the nature of the employer's dealing with your office or unit as well as on the particulars of the grievance. Go over your proposed settlements again and discuss what might happen in the meeting. Assess your opposition. Agree together at what point you will ask for a caucus and at what point you will announce your intention to leave this stage.

FOR ALL STEPS Make sure that you are aware of the time limits! The time limits govern the time within which you must file the grievance and the time limits you have for the completion of each step. FAILURE TO COMPLY WITH TIME LIMITS, OR, FAILURE TO AGREE TO EXTENSIONS OF TIME LIMITS IN WRITING CAN INVALIDATE THE GRIEVANCE.

SO...KEEP ACCURATE RECORDS OF ALL CORRESPONDENCE ABOUT THE GRIEVANCE AND WRITE ALL IMPORTANT AGREEMENTS ON PAPER WITH COPIES.

1. To Settle Or Withdraw the Grievance

When the grievance is settled, have the settlement put into writing and signed by yourself, the grievor and the management person with whom you made the settlement. Send a copy to your union office. REMEMBER, you cannot violate your own contract in a settlement. The contract is a document which is interrelated - you cannot read one clause without ensuring that definitions etc. do not encompass other articles as well. For example: Sandy grieves that she was denied a promotion and the settlement is that she is offered the job BUT the job in question was never posted as per the contract, so the really correct settlement would have been to re-open the job by posting it.

Should the grievor wish to withdraw at any stage in the procedure, the common formulae is: "We request that the grievance _____ be withdrawn without prejudice." Again, get this in writing, and signed by all parties.

There are some sample grievance forms attached to this handbook which you could consider using as the form for your records and for your settlements.

E. Grievances in a Rand Formula Shop

Rand formula is when all employees must pay dues, but not all are actual union members since they will not join the Union. SORWUC has 2 units with Union clauses such as this. The Union is still under a LEGAL obligation to represent these non-members in a grievance (Section 7 of the B.C. Labour Code.) If the Union does not represent all employees for whom it is authorized to bargain under the certification, it can be left open to charges of unfair representation from that employee, whether or not s/he is a paid up union member. Interest and concern for these non-members could convince them to join the Union and support it.

IV ARBITRATION AND SECTION 96.1 OF THE LABOUR CODE

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

There are many forms of arbitration:

a) Section 96.1 of the Code provides that an employer or union may make an application under this section before a grievance is taken to formal arbitration. The Board appoints an investigator who consults with both parties and either recommends a settlement or reports to the Board that it cannot recommend a settlement. In that case, the Board can call a hearing or issue a written decision or give the matter back to the parties involved.

b) formal arbitration: There can be single arbitrators, permanent arbitrators or 3-panel arbitrators. Your contract tells you what kind of arbitration procedure you have.

The arbitrators or the officer appointed under Section 96.1 will investigate and decide on the issue. Management is held to have all rights, unless specifically limited by law, by the contract, or (to a limited extent) by strongly established precedent. If the employer has not exceeded his rights under the contract, the arbitrator would rule in his favour. This legalistic approach makes arbitration very technical and a legal ruling is not necessarily a "fair" ruling from the point of view of the grievor. This is not to say that arbitration is not useful or good for your side. It is a tactic that should be employed with care and the issue should warrant it.

A BRIEF SUMMARY

1. As a steward you should investigate all grievances referred to you. You should seek them out too, and encourage members to talk over problems.
 2. Be impartial. Learn to recognize legitimate grievances and head off phony ones. BUT, don't brush people off.
 3. Never meet with management on your own, or make deals with them alone.
 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 in the written grievance. Include date, name, article(s) violated, related articles (in quotes) and your own and the grievor's signature. Keep things in writing.
 6. Make every attempt to settle the grievance as early in the procedure as possible (without compromising).
 7. Your supervisor, in the grievance procedure, refers to the first immediate superior OUTSIDE the bargaining unit.
 8. If management is not going to budge on a grievance, take control and terminate the interview, indicating that you will be going on to the next step. Always give them the chance to change their mind, but be firm and don't make deals.
 9. NEVER agree to a management "offer" without consulting your grievor and ensuring that the agreement is not itself a violation of the contract.
 10. Keep good records of meetings, conversations and research.
 11. Plan your strategy early, keep notes of it and up-date it if necessary.
 12. When in doubt, consult someone else.
- B. You are the representative of the union in your office, how you deal with your co-workers and with management will have an effect on how your co-workers feel about the union.

SOME DEFINITIONS

ARBITRATION: The last step in the grievance procedure. It is a requirement of the B.C. Labour Code that all contracts provide for a settlement of differences without a stoppage of work and that process is called arbitration. It involves calling in a person outside management and outside the union to hear both sides of the dispute and recommend a settlement.

GRIEVANCE: A violation or alleged violation of the contract. The first words in any section of the contract dealing with complaints or grievances will define a grievance for that contract. An employee or the Union can lodge a grievance.

GRIEVANCE COMMITTEE: A stage in the grievance procedure. It is a committee of the Union which includes at least the steward and some other union representative(s). It usually meets with a Management labour committee.

GRIEVANCE PROCEDURE: The entire article of your contract which lays out how you proceed with grievances. It includes all steps and time limits.

LABOUR/MANAGEMENT COMMITTEE: A management committee of one or more senior management to meet with the union's grievance committee as a step in the grievance procedure.

STEPS: The progression laid out in the grievance article by which you process the grievance. They go from verbal to written stages, and from one level in the management hierarchy to another.

STEWARD: A person elected by the people that s/he works with as their union representative in the office's administration of the contract. It is one of the most vital positions in the entire union from the point of view of the membership's relations to management. A good steward can anchor the unit and make the union and the contract meaningful to the members and to the employer.

TIME LIMITS: The length of time set out in the introduction and steps of a grievance procedure which tell you how long you have to process a grievance and how long you have to achieve a settlement at each step along the way.

SAMPLE GRIEVANCE FORM (USE REVERSE SIDE IF NECESSARY)

MAKE 3 Copies 1 for your local

1 to be returned to shop steward with supervisor's reply

1 to be forwarded by supervisor to next management person
in procedure if necessary

1. Grievor's Dept. _____ Name _____ Date _____

Grievance:

Signatures of grievor & steward

Departments/Supervisor's Reply:

Signature of supervisor

Referred to Step 3 on _____ by _____ (steward)

2. Step 3 or 4 Written Decision:

Signature of grievance committee

Signature of labour/management committee

THIS IS NOT A SETTLEMENT OR WITHDRAWAL FORM