

A.U.C.E. LOCAL 1

SHOP STEWARD MANUAL

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INTRODUCTION

YOU - The AUCE Shop Steward

YOU - are the representatives of the Union on the job. You speak for your fellow-workers in day to day relations between the Union and management. You speak for the Union to your fellow workers about the Union's purposes and policies. Often you speak for your fellow workers in discussions which shape the Union's program.

YOU - can ensure success in collective bargaining and in building a strong and efficient organization. It is your work and your attitude that maintains confidence in the purposes of trade unionism. You encourage, inspire and at the same time express the will and enthusiasm of your fellow workers to organize for united action.

YOU - make contract provisions a reality - something more than a mere collection of words - a concrete realization of desire for betterment in working and living conditions.

YOU - are the backbone of the Union.

The material contained in this guide is a skeleton summary of information which will assist you to answer questions often asked by your fellow workers.

This booklet is merely a guide to the first steps necessary for the successful performance of your duties as a Shop Steward. Please contact your Local Union office for further information when necessary.

You are invited to make any suggestions which, in your opinion, would make this Guide of more practical assistance to you in your work.

STEWARDS

The steward is the Union Officer with whom the membership has the most direct contact. She/he is a communications link between the group of members she/he represents (5 - 20 people in the immediate office areas) and the Union Executive and Committees that deal with the day to day business of the Union. In the past, stewards have been asked to remind AUCE members in their area of voting times and places, they have been given information to pass on to the other AUCE members in their area about the picket lines that other unions have put up on campus, and they have been asked to sign up people who are new to the union. An effective and well-organized steward structure means that every member of the Union is in touch.

The steward acts as her/his member's representative, spokesperson and advocate. The steward should be able to council members of their rights at work and be on the look out for infringements of the contract or membership rights.

Stewards can get training in these areas through stewards' seminars, the Grievance Committee members, the full-time Union Organizer, the full-time Union Co-ordinator, by talking to other stewards and through this handbook. Because it is unusual for women to work at unionized jobs, just about every steward in AUCE has started off with no experience and has learned by doing the tasks.

WHY SHOULD YOU BE A SHOP STEWARD?

Being a Shop Steward lets you add a little support to the concept of human dignity, of human rights. Your Bible is the Collective Agreement; your authority stretches from the Ministry of Labour in Victoria through your local union to your role as a union officer; your energy comes from your sense of outrage when the agreement is violated.

Being a good Shop Steward doesn't require much of an outlay on your part. All the Union basically requires is that you know the people in your area, that you regularly attend Union meetings which are announced in the newsletter and that you know the Collective Agreement. All this amounts to little more than being a good union member. However, there is one more very important item that the Union requires of a Shop Steward and that is to get involved. We ask you to be the same sort of person who would stop to help at an accident, who would feed a stray dog, who would speak up when the time comes.

By being the person who does these things you make this place a little better to work for, a little bit more enjoyable, a little bit more fun. And all that should make you feel good too!

WHAT DOES A STEWARD DO IN THIS UNION?

The question posed is an excellent one - but the answer is not easy. The intent is not to beg the question, but it does lead to other questions. For example, what compels someone to become a steward? The answer could include such items as misguided altruism, a concern for employees' rights, or guilt - in the sense that no one else within a particular office has made any effort to become a steward. Another question concerns itself with the process by which one becomes a steward. And, there are other questions.

But first let us go to the question at hand. The steward is an employee of our bargaining unit empowered by the Collective Agreement to protect and enforce the contractual rights of the employees in their work situations. This is, of course, in theory. In practice, the new steward tends to be unsure of the responsibilities and of the power inherent in the position. The steward often recoils at the prospect of either meeting or confronting a supervisor or Department Head in regards to some contract-related article or matter. The steward - even the most experienced dreads the process of ever having to process a grievance - when that moment materializes, time stands still.

But once a few grievances have been processed, the steward usually finds her/his feet and confidence builds. The supervisor or Dept. Head is usually not as awesome as was once assumed - they for the most part are treading on unfamiliar terrain too and are not used to dealing with a legal contract.

There are pitfalls. There exists the constant danger that the steward may develop feelings of omnipotence. This in turn can lead to the steward isolating herself/himself from other members in the shop area. At times questions from members may appear uninformed or even inane. In most of these situations the steward must never forget that she/he has a handle on the situation and the information. This grasp of the facts is merely the result of being involved.

A steward will have to listen to members' personal theories on the state of the Union and on the state of society in general. At times the steward may find herself/himself unwittingly as a sounding post for personality conflicts or personal problems. If you become a steward, you may find yourself, almost by accident, the focal point - or one of the focal points - within an office. This holds true in an office where the majority of members share an interest in Union affairs. In the disinterested offices it is more difficult to play the role of a steward. Sheer persistence is the necessity in the face of apparent adversity. It has been the experience of past Grievance Committees that individuals who believed themselves immune from grievances react strongly in their self-interest when confronted with a grievance. The person they go to for advice, solace, and action is the steward.

What is expected of a steward? Everything and nothing. So much depends on the individual, the office situation, the state of the Union, the strength of the contract. A knowledge of the contract is essential - not an exact word for word knowledge, but a reading knowledge. All the brochures, handbooks, contracts in the world serve no useful purpose unless the contents are put to practical use.

How much time is involved? The answer is not that much. The position of the steward is excellent for getting involved in the Union at a manageable level. It affords the opportunity to balance off the demands of involvement with those of one's private life. How much effort is involved? That is up to each individual steward.

The steward can be the person for all seasons and for all reasons or the steward can be a bust. The steward is the watchdog in the offices to ensure that the University bides by the letter and the spirit of the Collective Agreement - to see that no deals contrary to the letter of the agreement are struck. The steward is the "educator" - constantly communicating with fellow members and informing new and long-term - employees of their rights. The steward is the "learner" - learning from the experience of involvement, from discussions at the shop level, from each new situation which arises. The steward provides new members with the Union's past history and with Union procedures. The steward is a listener. The steward conveys how members feel on various issues to stewards' meetings. The steward is the Union's presence in each office. The steward structure is the backbone of the Union.

Rights of Stewards

The Employer recognizes the need for shop stewards and their right to represent the employees at the workplace. The steward has the right to carry out certain duties on the employer's time and you should be aware of your rights.

ARTICLE 8 - STEWARDS

8.01 Recognition

The University recognizes the stewards elected by the Union and shall not discriminate against such stewards for carrying out duties proper to the position.

8.02 Meeting the University

When the University wishes to discuss dissatisfaction with the work of an employee which may lead to disciplinary action, the employee shall be accompanied by a steward.

When an employee wishes to initiate discussion with the University regarding a potential grievance, the employee shall be accompanied by a steward.

8.03 No Loss of Pay

Stewards shall have the right to investigate and process grievances and to perform other duties proper to their position during regular working hours without loss of pay. It is further agreed that there will be no undue disruption of work, and the steward shall not leave work during regular working hours without obtaining permission from her/his supervisor. Permission shall not be unreasonable withheld.

8.04 Notification by the Union

The Union shall regularly notify the University, in writing, of the names of its Local Executive, Chief Steward, Stewards and Grievance Committee.

This article provides the Steward with the right to leave her/his workplace to investigate and handle grievances. Although you must ask your supervisors permission, the permission cannot be withheld without reason. IF YOU ARE REFUSED PERMISSION UNDER ARTICLE 8.03 AND YOU THINK IT IS UNREASONABLE CONTACT YOUR GRIEVANCE STEWARD (DIVISION STEWARD) OR THE UNION OFFICE. Do not leave anyway! Leaving without permission could leave you open to discipline and the only way to cope with supervisors who are intent on not allowing you to fulfill your duties as a steward is to bring it to the attention of the Union who can take it up immediately with the appropriate department official.

When you return to your workplace notify your supervisor that you are back.

Outline of Duties

1. Make sure that all new employees, including temporary and part-time employees, have been signed up and have had their "One Hour Explanation" (Article 7.04). In the past stewards have been given the task of introducing new AUCE members to the Union, collecting the \$1.00 initiation fee, and giving them their union card. In the 1976/78 contract we negotiated a clause which provides for a "One Hour Explanation" so that a Union representative can meet with new employees immediately after the induction process to sign them up and explain the contract and the function of the Union. The article states that no employee shall work for longer than a week before attending one of these meetings but because temporary employees can be inducted at times other than the regular Monday and Wednesday morning sessions many of them slip through.
2. Stewards provide a fast information/contract link between the Union Executive and the membership. There are occasional times when sending leaflets is not a fast enough method of getting information out. Then Committee representatives can call stewards and they can talk to the people in their office(s). If there are no breaks in the chain this method is very efficient. Stewards are also occasionally asked to help keep the office records up to date by providing a list of the name, addresses and phone numbers of the people in their area.
3. 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 agendas for upcoming meetings. Make sure that job vacancies are posted and 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, that unions don't exist in a vacuum. Try to 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.
4. Meetings - Try to ensure that your Division holds regular meetings. 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 Division. 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 peoples' 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 to find out, either in these Division 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 to 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.

Go to the General Membership meetings. If you do not want to or cannot go to every meeting, you could try establishing a rotating system so that at least one person from your office would be at each meeting and could report back to the others. These meetings are where the business of the Union transpires.

5. Become familiar with the contract and how it applies to your particular job situation. You can get help in interpreting clauses and finding out which ones are relevant if problems arise by getting in touch with a person who has experience. A call to the Union Office will give you access to the members of the Grievance Committee and to the Grievance Committee's files of past and current cases.
6. Be prepared to handle grievances. Being a steward doesn't mean that you automatically have all the answers but you should know how to get the information you need. If doing grievances makes you nervous, call someone else who has already had the experience of doing them. Again, the Grievance Committee people can be contacted through the Union Office.
7. 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 we start negotiations. Your Division should have its own small set of union files - grievances; minutes of your office meetings including records of elections of stewards; motions and/or directions passed from your unit to the Executive; and a future negotiations file.

INFORMATION YOU SHOULD HAVE

In addition to this guide and your contract, which you should carry in your pocket, you should keep close at hand for ready reference:

- (1) Information on health and welfare plans, hospitalization, pension and medical plans, etc.
- (2) The union's constitution and Local Union By-Laws.
- (3) Membership application forms.
- (4) Grievance forms.

GRIEVANCES

One of the most important duties is to handle grievances successfully. Through the intelligent use of the grievance procedure, the contract provisions are enforced and the rights and interests of the union's members are protected and guaranteed. A good steward must know the grievance procedure thoroughly - and when and how to use it.

WHAT CONSTITUTES A GRIEVANCE?

Most grievances arise from the following:

- (1) Violations of the contract such as seniority, promotion, rest periods, and overtime.
- (2) Violation of labour law such as failure of the employer to live up to health and safety laws - inadequate sanitation, ventilation, removal of fumes, etc..
- (3) Improper discharge or suspension of an employee.
- (4) Improper job classification.
- (5) Violation of past practices, policies or regulations of the University.

Familiarize yourself with the grievance procedure. It is essential that as many grievances as possible are settled in the initial stages. A grievance successfully won is a grievance settled early on, thus avoiding the thorny path of arbitration.

Basically, a grievance is a violation of the Collective Agreement by the employer.

Having surrendered the right to contract directly with the employer, the employee has a right to expect the union to represent her/him fairly. This duty of fair representation as set out in the Labour Code applies to all the members in 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.

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 situations 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 two or three.

Your Co-Workers

Keep up on what is happening with them. Who is pregnant, who needs to take time off for a citizenship hearing, who is having trouble with a supervisor or co-worker, etc.. 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.

Outline of Grievance Procedure

After reading the procedure, find out all the facts:

- What happened?
- Who was involved?
- Who witnessed the incident?
- When did it happen?
- Is there any written material?

Sometimes a member will take it for granted that you know all the surrounding facts. Sometimes she/he will skip part of the story that may weaken her/his case. To present a case properly you must have all the facts. You can't win good arguments with bad reason.

Discuss the grievance with the grievor. 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 with 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.

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 she/he assumes you will know or which may weaken the case.

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 the grievor to assess the employer and their attitude to the Union.

Work out a "game plan". Try to 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 most 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.

Keep written records. Grievance forms are available from your division steward or from the Union Office. It is vital that we keep records in order to establish precedents. Copies should be forwarded to the Union Office to be kept on file. These are the reasons:

- (1) It provides valuable information absolutely necessary for arbitration proceedings if the case is processed to that step.
- (2) It provides a source of information for the Contract Committee as to what clauses need to be revised, and in what way they should be revised.
- (3) University replies to past grievances are then available for analysis. This is of assistance in formulating arguments to support other grievances pending.
- (4) A record of past grievances is a history of the development of labour-management relations in the operation of the Local Union.

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

NEVER do anything by yourself. Always take the grievor or another shop steward with you. This will protect you from any possible charges of collusion.

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 first consult with your division steward and the Grievance Committee.

REMEMBER - if you don't know the answer someone probably will. Never say you "don't know" - say you'll "find out". The chances are that someone who has been a shop steward for a few weeks longer than you have will be able to help you out. It is much better to ask for time than to give an answer you will live to regret. No one has the right to expect an instant decision. Say "we will get back to you" - this will allow you some time to draft the correct response.

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.

The Collective Agreement contains a definite procedure for the orderly processing of a grievance. A minor error in processing 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 to ensure that you are observing each step correctly.

Article 35.03 Grievance Procedure

(a) Step 1:

An employee who has a grievance shall first go to her/his supervisor or designate. The employee must be accompanied or represented by her/his steward or other Union representative. The supervisor shall be given an opportunity to answer the complaint verbally.

Failing resolution, the grievor and her/his steward shall present the grievance to the supervisor in writing. After receipt of a written grievance the supervisor shall have three (3) working days in which to present her/his written reply to the steward. Failing settlement, the grievance shall be processed to the next step within the five (5) working days following either receipt of the supervisor's reply or expiry of the above time limit, whichever comes first.

If the supervisor is the department head, Step 2 shall be omitted and the grievance with the supervisor's written reply shall proceed directly to Step 3.

(b) Step 2:

Step 2 shall commence upon presentation of the grievance to the department head or designate. The department head shall meet with the grievor, the steward and the division steward (or other union representative) in an effort to resolve the grievance. Within five (5) working days after commencement of this step, the department head shall deliver her/his written reply to the steward. Failing settlement, the grievance shall be processed to the next step within the ten (10) working days following either receipt of the department head's reply or expiry of the above time limit, whichever comes first.

(c) Step 3:

Step 3 shall commence upon notification to the University Labour Committee or its representative. The University Labour Committee and the Union Grievance Committee shall then have fifteen (15) working days in which to meet and attempt to resolve the grievance. If the grievance is resolved, a memorandum shall be made of the agreement reached and signed by the Chairperson of each committee with a copy for each party to the agreement. If the grievance cannot be resolved, the Union shall, not later than the five (5) working days following expiration of fifteen (15) working day time limit, signify in writing to the University its intention to invoke arbitration procedure as hereinafter set out.

(d) Absence from Work

By arrangement with her/his supervisor, an employee shall be permitted the necessary time off without loss of pay and benefits to attend to the adjustment of a grievance and may be present at any step in the grievance procedure if so requested by either party.

HOW THE STEPS WORK

Step 1

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 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 2

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..

Introduce 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.

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, e.g., single arbitrator, permanent arbitrator, two-stage arbitration, etc.. The most common is the 3 person arbitration board. Since the 3 person board is composed of a union appointee and a management appointee and an impartial chairperson, who, in effect, has the casting vote, AUCE has always opted for a single arbitrator. Both parties will pay half the arbitrator's costs.

Arbitration is regarded as an alternative to striking, 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, i.e., 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 be considered in taking a case to Arbitration

The interim grievance procedure states that "the arbitrator shall within 15 working days settle the dispute." However, the time limit may be extended by mutual consent. The Canadian Association of Industrial and Mechanical and Allied Workers states in a brief to their shop stewards that the average time for a grievance from initiation to arbitration is 40 weeks. "Justice delayed is justice denied".

The cost of an arbitrator varies, but \$1000.00 per day is average, with the costs being shared by union and management. Additional overheads may be half the cost of a conference room, stenographic costs, and lost time for witnesses.

Step 3

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.

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.

Theoretically, an employer with superior financial resources could push every minor grievance to arbitration forcing the union to abandon the grievance and face criticism from the membership or fight grievances and face bankruptcy. In theory this situation is unlikely to evolve since the arbitration procedure would be discredited and union members would abandon it for more direct action.

Arbitration is costly and there is little point in taking a case 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 process. A successfully handled grievance is one settled in the initial stages of the grievance procedure.

Alternatives to arbitration

Interpretation: Section 96(1) of the B.C. Labour Code 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 for different grievances.

ARTICLE 35.04 ARBITRATION

- (a) Upon the request of either party, the Grievance Committee and the Labour Committee shall meet and attempt to agree upon a list of impartial arbitrators. If the committees are unable to agree on a list, they shall request the Minister of Labour to supply a list. In either case, fifty percent (50%) of those on the list shall be women. The arbitrators shall serve on a rotating basis, or as otherwise determined by mutual agreement of the parties at the time the list is established.
- (b) The parties shall make every effort to ensure the speedy dispatch of arbitration cases.
- (c) The Arbitrator shall issue her/his award within fifteen (15) working days of the hearing.
- (d) The Arbitrator shall conclusively settle the dispute, and her/his decision shall be binding on both parties.
- (e) Both parties to the Arbitration shall pay for all their own expenses and one-half of the expenses of the Arbitrator.
- (f) The Arbitrator shall not make any award or decision contrary to the conditions or articles of this Agreement, or in amendment to this Agreement.

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 a person outside management and outside the union to hear both sides of the dispute and recommend a settlement.

GRIEVANCE

A violation or allege 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 of the union can lodge a grievance.

GRIEVANCE COMMITTEE

A stage in the grievance procedure. It is a Committee of the union which includes Division Reps., the President and Union Organizer. 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 she/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.

EXPERIENCED STEWARDS' ADVICE

- (1) Know your facts! Write them down! Talk them over with experienced officers in your Local Union.
- (2) Work your problems through systematically! Ask yourself - What can you do? What can't you do? What should you do?
- (3) "Multiply" yourself by sharing responsibility with your fellow members on the job! Learn to delegate responsibility! Make sure everyone knows exactly what she/he is to do!
- (4) Encourage your assistants by telling them how well they are doing! Be sure and give each worker her/his proper credit!
- (5) Help each fellow worker on the job! Give her/him suggestions, not orders!
- (6) Don't make decisions that involve other workers without talking it over with them first!
- (7) Estimate each person's abilities; don't overload anyone; don't expect too much of anyone!
- (8) Follow through on each job yourself! If a job isn't done to suit you, don't nag or scold anyone - persuade everyone concerned to get the job done!
- (9) Let your fellow workers, who have done a good job, make the reports and get the credit!
- (10) Prepare and use a long range plan with the desired results in view!