

U N I O N



STEWARD

MANUAL

a CMRJB Workers United Publication

1. Role of the Steward

A steward has four main roles in his/her shop:

1. A Steward is a LEADER – Workers United members look to stewards for knowledge, experience, and guidance. By working with members to stand up for their rights on the job, you help build an active and united membership.

2. A Steward is a COMMUNICATOR – Stewards need to keep the membership informed about their rights and any other problems that face his/her co-workers. The Steward should also keep the membership informed on the activities of the Joint Board and of the International Union. The more information the members have, the better their decisions will be. When members have more knowledge about the Union’s programs and solutions to workplace problems, the easier it will be to mobilize the membership to support the Union’s goals.

3. A Steward is an EDUCATOR – A good Steward will help members understand and interpret the contract. A steward will also educate the membership on the broader issues that our families face in our communities. Stewards will also teach members about some of the policies and laws that can benefit or harm members and their families (ie: right-to-work).

4. A Steward is an ORGANIZER – Stewards help organize members to participate in activities designed to strengthen the union and improve conditions on the job.



Labor Quote:

“Cross the river in a crowd and the crocodile won’t eat you.”

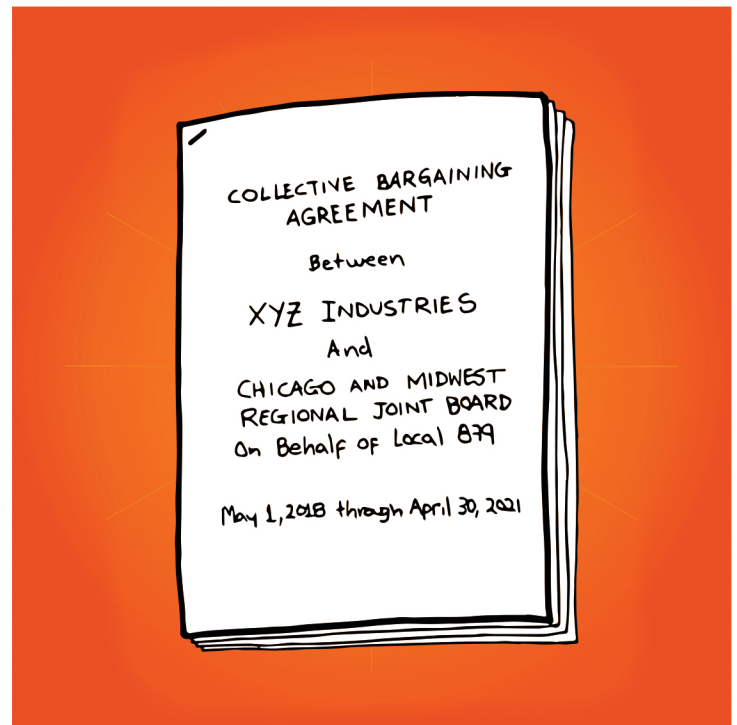
Madagascar Proverb

2. What a Steward Needs to Know

1. The **CONTRACT** – A good steward will always carry a copy of the contract. If a contract is not available, then the steward must work with his/her Union representative to make sure that one is available.

Just like we have traffic laws that rule the way we behave on the road, we have a **CONTRACT**, which is the law of our workplaces. The contract is only as strong as the union members and leaders who enforce it.

Learn your contract and make sure to always be ready to enforce it.



2. **CO-WORKERS** – It is important that a Steward maintains frequent personal contact with the workers in his/her area or department. The Steward is the on-job representative of the Union, and as such he/she should make it a habit to check in with his/her co-workers.

Frequent contact with every worker you represent is the only way to keep on top of problems, rumors, suggestions and complaints.

Remember, Union business should only be conducted during non-working hours, like before or after work, or during lunch breaks.

Labor Quote:

"If you ever get to the place where injustice doesn't bother you, you're dead."

Myles Horton

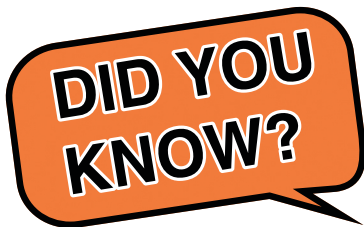
3. Welcoming New Members

It is the responsibility of the Steward to talk to all new co-workers about the Union.

1. GET TO KNOW EACH OTHER – New employees want to know that they are accepted and welcomed. Find out a bit of their personal history – where they worked before, how and why they choose this job. Make sure to answer any questions they may have about their new workplace and/or the Union. Asking and answering questions creates a sense of belonging to our Union.

2. TALK ABOUT THE UNION CONTRACT – Explain that the contract contains gains that have been negotiated over years of members unity. Also explain that the contract legally guarantees the rights of all Union members in the shop. Don't overload a new member by teaching them everything there is to know about the contract in their first day. Focus your conversation about the contract by showing new members that current wages and benefits are not gifts from the employer, but a reward from the hard work of many previous union members. A Steward will also educate new members about the grievance procedure, including the fact that members should only go to their Stewards anytime they have problems or questions at work.

3. SIGNING THE WORKER UP FOR THE UNION – A Steward needs to emphasize the importance of becoming a Union member. In addition the Steward needs to express the importance of workers sticking together, as it is the only way to make a difference at work. Also, explain to new members that the Union is not a building or a person; the Union is every member. A Steward will also share his/her personal experience of how and why he/she became a member and a steward. Lastly, the steward needs to explain to the new member that the Union is a democratic organization, where the members elect the union's officers and help set the policies of our Union.



The chances of a new worker joining the union reduce by 75% after their first day at work. This is why is so important to make sure we reach all new members in their first day.

Labor Quote:

“Whatever their faults, unions have been the only powerful and effective voice working people have ever had in the history of this country.”

Bruce Springsteen

4. Where Do Our Dues Go?

Grievances and contract enforcement:

Your dues make it possible for Workers United to have a team of Union Reps to help local officers and stewards enforce Workers United members rights on the job. Without Union dues, there would be no way to make companies follow union contracts.

Contract Negotiations:

Your dues pay for the attorneys, directors, researchers, engineers and managers that assist in contract negotiations. Every time a contract is negotiated your wages, benefits and working conditions improve.



Mobilization and Political Action:

Your dues help fight for workers' rights when it comes to health and safety, workers' compensation, social security and Medicare.

Industry Development:

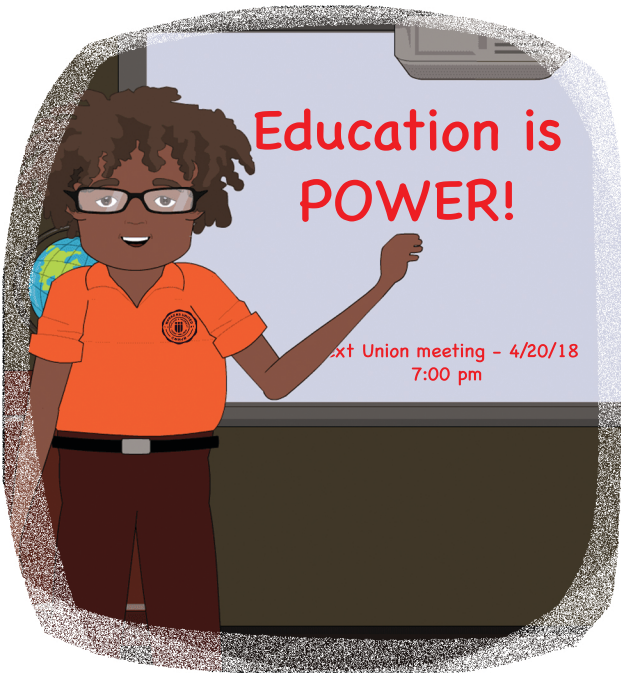
Your dues help Workers United develop long-term strategies to save our jobs.

Organizing:

Your dues help workers who don't have a Union organize into Workers United. That's important because we don't want to see our conditions reduced to what non-union companies in our industry are offering.

Educational programs:

Your dues make it possible for Workers United to have programs like ESL classes, Leadership Training and Steward Education.

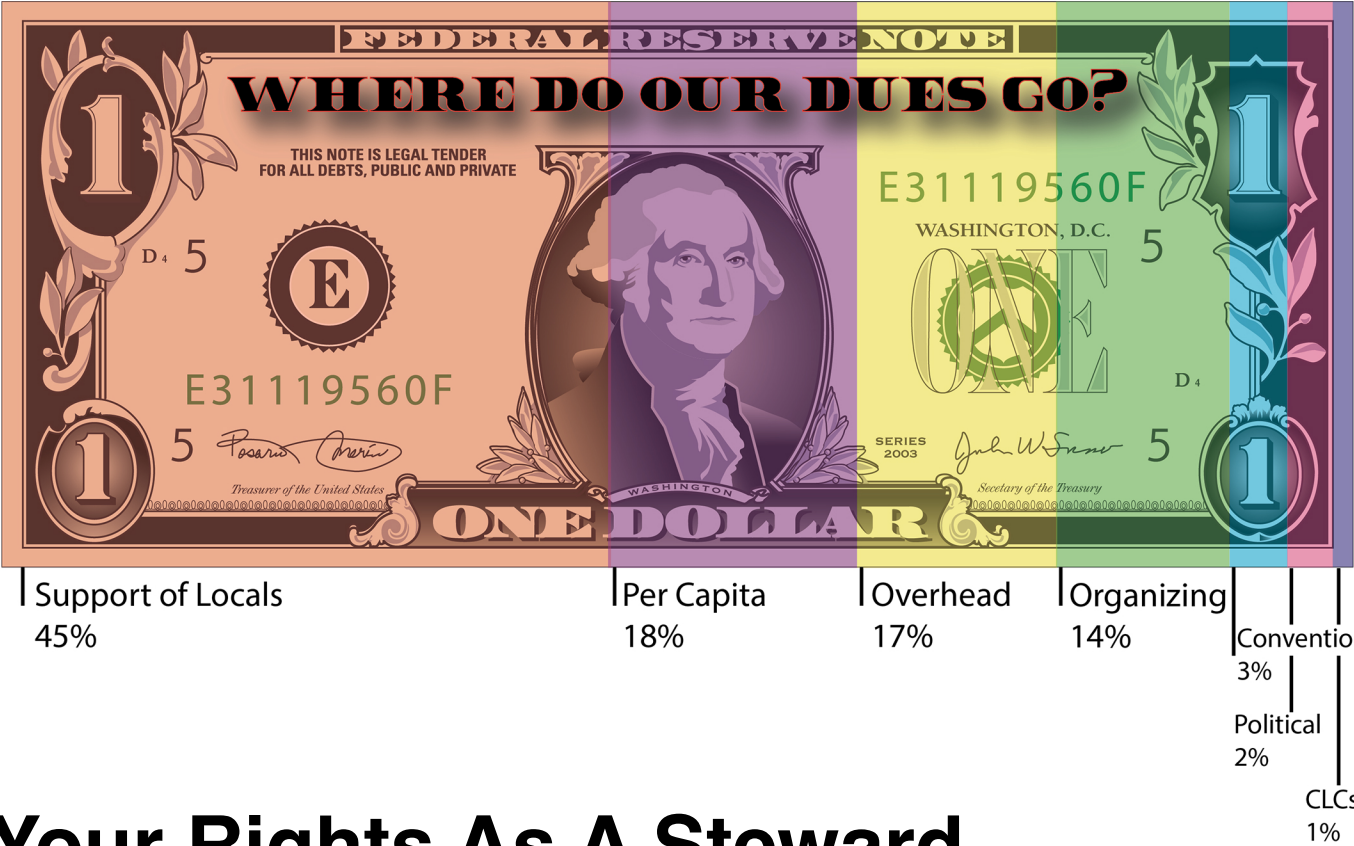


Labor Quote:

"The boss don't listen when one guy squawks. But he's gotta listen when the union talks."

Pete Seeger

4. Where Do Our Dues Go?



5. Your Rights As A Steward

Federal law says that Stewards cannot be punished or discriminated against because of their union activity, such as filing grievances or speaking out on behalf of other workers.

Here’s a short list of other things an employer may not do:

- Order the Steward to perform extra or more difficult work.
- Deny you pay opportunities or promotions.
- Isolate you from other workers.
- Deprive you of overtime unfairly.
- Enforce rules more strictly against you.
- Overly supervise you.

A Steward must file a grievance and contact his/her Union representative if he/she feels that management is doing any of the things in this list.

Labor Quote:

“Those who would destroy or further limit the rights of organized labor - those who cripple collective bargaining or prevent organization of the unorganized - do a dusservice to the cause of democracy.”

John F. Kennedy

6. Our Rights to Union Representation

The Supreme Court has ruled that a workers is entitled to have a union representative present when a supervisor asks for information which could be used as the basis for discipline. This is commonly known as the Weingarten Rights. Think of it as your Miranda rights at work.

The catch in this case is that management has no obligation to tell workers their rights. As a Steward you are to make sure all workers in your area or department know their rights, and to know that they can request union representation before or during questioning by management.

If ever called into one of these meetings a Steward should:

1. Ask management what the purpose of the meeting is.
2. Meet privately with the worker before officially starting the meeting. If the interview has already started, the Steward should ask for a short break in order to speak to the worker that is being interviewed.
3. Good notes are key. Make sure to have paper and pen ready. These notes will be very helpful if management disciplines the worker and the Steward needs to file a grievance.
4. Never allow a manager or supervisor harass or abuse the worker that is being questioned. A Steward has the right to ask the supervisor to clarify questions so the worker can understand what is being said.
5. Never tell a worker not to answer questions or to give false answers.

If this discussion I am being asked to enter could in any way lead to my discipline or termination or impact my personal working conditions, I ask that a union steward, representative or other union officer be present. Unless I have this union representation I respectfully choose not to participate in this discussion. This is my right under the Supreme Court's Weingarten decision.



Labor Quote:

“Salvation of a race, nation or class must come from within. Freedom is never granted; it is won. Justice is never given; it is exacted.”

A. Philip Randolph

7. The Grievance Procedure

1. When is a problem a grievance? Not all work problems are grievances. A grievance may occur when there is a violation of:

- **The contract**
- **Federal, state or local law**
- **Company rules or policies**
- **Fair treatment**
- **Past practice**

2. Not every grievance procedure is the same. Check your contract for specifics on the grievance procedure. Generally, the procedures will provide a series of steps. Each step will have a time limit, if missed it can mean that the grievance will be lost or denied. As a Steward you are to familiarize yourself with the time limits in your contract's grievance procedure.



3. In order to get all the facts a Steward should use the 5W's rule:

- **Who is involved?**
- **What exactly happened?**
- **When did it happen?**
- **Where did it happen?**
- **Why did it happen?**

A Steward should also be pro-active and start thinking of what the union would like to do or happen in order fix the problem.

Labor Quote:

"When fewer workers have unions, the standard of living falls for everyone and the gap between the rich and poor grows."

John Sweeney

7. The Grievance Procedure

4. Interview and listen to the member. Meet with the affected member(s) and let them express their feelings about what has happened. Ask questions and never interrupt with comments that may discourage the member from telling the full story. Always make sure you understand what is being said by repeating what you have learned. Ask questions if you have gotten something wrong or if you can't understand something.

Asked the affected member(s) to help you with the grievance by getting you the facts that you need to win. This is a great way to involve the worker(s), teach them about the union, the grievance process and make the members part of the victory if the grievance is won.

5. What is management's position? A Steward can request an informal meeting from management to clearly understand what the company's argument will be in the grievance.



6. Analyzing the Grievance

Discipline cases – If a worker feels that they have been unfairly disciplined by management, the key question for you to consider is: Did management have “just cause” for imposing the discipline? Obviously, management and the union may have different interpretations of the meaning of “just cause,” you may want to ask the following questions in putting together the union's case:

A. Fair Notice: Did the worker know that she/he was breaking a rule or doing something wrong? Did the worker know the penalty for their actions?

B. Fair Rules: Is the rule in question “reasonable” for workers to follow? Is it reasonably related to safe and efficient operations?

Labor Quote:

“Only a fool would try to deprive working men and working women of their right to join the union of their choice.”

Dwight D. Eisenhower

7. The Grievance Procedure

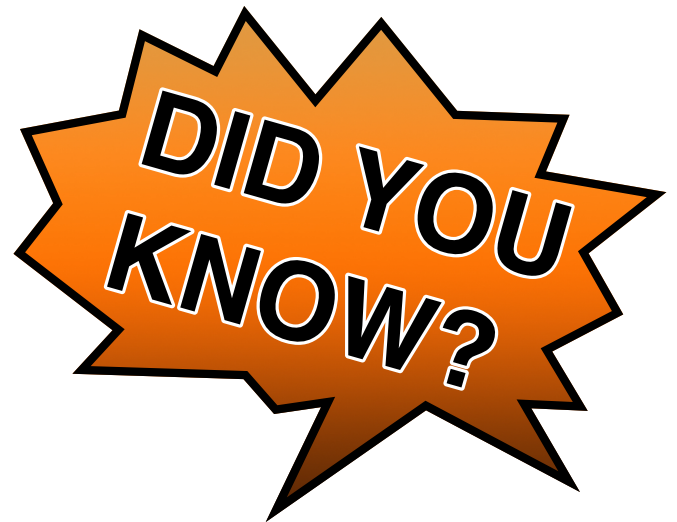
C. Fair Treatment – Has the rule been applied fairly and equally to all workers, or are there favorites? Has the rule not been applied in the past, but has management decided to crack down without warning?

D. Fair Discipline – Did the company give the worker a chance to improve? Did they use progressive discipline (verbal warning, then written warning, then suspension or termination)? Did they follow their own rules for discipline? Was the discipline imposed promptly after the offense?

E. Fair Penalty – Does the punishment fit the seriousness of the offense? Does it take into account the worker's past record and length of service? Did the company impose one form of discipline, then go back and increase it with no new facts about the offense?

F. Fair Investigation – Did the company find out the facts before they disciplined the worker? What kind of proof does the company have? Did they question the worker unfairly? Did an uninvolved management person make the decision to terminate?

Past practice refers to a frequent and consistent pattern of conduct by the employer over a period of years. Unfortunately, it is often misunderstood by the company and your fellow workers. It should involve a situation where the union and management have known and accepted the conduct. Be cautious about relying on past practice to win your grievance. Many arbitrators will rule for the company in cases where the union's only evidence is our claim of a past practice.



Labor Quote:

"If any man tells you he loves America, yet hates labor, he is a liar. If any man tells you he trusts America, yet fears labor, he is a fool."

Abraham Lincoln

7. The Grievance Procedure

6. Writing the Grievance –

A. Limit details to basic information – Provide only enough information to identify the grievance so that management understands:

- i. What the basic problem is**
- ii. What violations occurred**
- iii. How the problem should be fixed**

B. Don't limit contract violations – In stating the remedy or solution you want to say to “made whole in every way.” Don't forget to include whatever specific remedies the union has in mind to solve the problem.

C. Consult with grievant – Go over the written grievance. Explain the requested remedy and get the grievant's full understanding and agreement.



7. Discussing a Grievance with Management –

It is always a good idea to prepare before having a grievance discussion with management. Here are some tips for getting ready:

- Practice your arguments for the case.**
- If the member(s) who filed the grievance is to be present at the meeting, make sure to review their version of events before starting the meeting with management.**
- Be ready for management's argument.**

Labor Quote:

“Every advance in this half-century--Social Security, civil rights, Medicare, aid to education, one after another--came with the support and leadership of American Labor.”

Jimmy Carter

7. The Grievance Procedure

Conducting the discussion –

- 1. Act as management's equal.** Respect should always be given and expected. Insist that management treats you with respect.
- 2. Stick to discussing the grievance.** Don't allow management to sidetrack you by bringing up other topics that are unrelated to the case.
- 3. Ask questions.** The more you ask, the more weaknesses you may discover in management's case. Listen to their answers and take notes.
- 4. Discuss the issues and not the personality of the member(s)**
- 5. Don't lose your temper.** It's hard to think straight when you are angry.
- 6. Avoid arguing with the member that filed the grievance in front of management.** Ask for a short recess to iron any arguments or differences you may have with the grievant.
- 7. Try to resolve the grievance satisfactorily at the first step, but don't be afraid to go to the next step if management is unwilling to budge from their position.**
- 8. Keep accurate notes of who says what.** You will need those notes later if you have to take the case to the next step.



Labor Quote:

"What can Labor do for itself? The answer is not difficult. Labor can organize, it can unify; it can consolidate its forces. This done, it can demand and command."

Eugene V. Debs

Suggestions for Interviewing The Grievant

- 1. SET A TIME** to discuss the grievance when you won't feel rushed. If you only have a few minutes, the grievant might feel that you don't think their problem is important.
- 2. LET THE GRIEVANT EXPLAIN** the problem. If he or she is upset, just listen for a while. Then ask questions to get the full story. Be patient, listen carefully and make eye contact. Make sure you've got the facts right on key points. (*"So he told you it wasn't important one day, but the next day he wrote you up for it? How did he explain that?"*) When something isn't clear, don't hesitate to ask it again. (*"I missed something there. Would you go over that again?"*) If the grievant makes statements like, "Everybody else does..." or "The supervisor always told us..." get the specifics: who, what, when, where, and who else would testify to it?
- 3. KEEP CLEAR NOTES** of your discussion. You might use the grievance fact sheet to make sure you've asked all the basic questions.
- 4. EXPLAIN WHY** you want to have all the facts before you meet with the supervisor. Tell the grievant when you don't know something that the company knows, it only hurts the union's chance of winning the grievance.
- 5. TRY TO FIGURE OUT** the company's position. If the company's actions don't make sense, you're probably missing something. Ask the grievant why they think the company did what it did, or how it will justify its actions in the grievance meeting. Remember, grievants naturally tell their own side of the story. Explain that you're trying to figure out what the company will say to be better prepared for the meeting.
- 6. EXPLAIN RELEVANT** contract language, what determines just cause, prior grievance settlements on similar issues, and anything else that will help the grievant understand the strengths and weaknesses of the grievance. Ask the grievant what he or she wants done to resolve the problem, and discuss the possibilities of winning that settlement. And never promise a victory, even when you are sure you will win.
- 7. TELL THE GRIEVANT** what you will do next. Are you getting information from the company? Will you be interviewing others before the grievance meeting? When is the meeting, or when will you set it up? One way to avoid misunderstandings with the grievant is to keep him or her informed at every step of the procedure until the grievance is settled.



Suggestions for Presenting the Grievance

- 1. BE PREPARED.** Write down your main points in case you get nervous. Bring your notes, documents and the contract. Prepare the grievant: explain your arguments and why you will do most of the talking. Ask the grievant to call for a break if you need to talk.
- 2. TRY TO TAKE CHARGE** of the meeting, or at least play an equal role in defining what is discussed. Nothing gives management the right to control the meeting. Once everyone is there, you can start by saying something like “Are we ready to start? This meeting is about the warning Annie Fox received last week. Here are the facts as we see them...” or “We’re here to discuss the new production rules. Why don’t you start us off by explaining the company’s reason for these changes?”
- 3. PRESENT THE UNION’S CASE** logically, laying out the facts and arguments step by step. Explain why it is a grievance. Tell management what you want done to resolve it.
- 4. ASK MANAGEMENT QUESTIONS.** (“Why did you do that? Who told you that? Did the plant manager know? Did you get copies for all your employees? Have you ever had this happen before?”) If they answer with generalities, or don’t really answer at all, ask them to clarify, prove, or give more details. If your questions are clearly related to the grievance and your tone of voice low-key and sincere, management will have a harder time brushing you off. Take notes of what they say for later steps.
- 5. TRY NOT TO GET PERSONAL** with management. If they feel personally attacked, it will be harder for them to settle. Sometimes you can get a quicker settlement by giving them a way to settle without losing face. For example, after hearing a supervisor’s account of an incident, you could say you now see that it was a hectic day and the supervisor didn’t have time to concentrate on production as he/she would usually do. The supervisor could agree that was where the problem came from, and settle the grievance without accepting any personal blame. If you do this, however, make sure the grievant agrees with this approach in advance. Sometimes what the grievant really wants is to see the supervisor reprimanded by higher-ups.
- 6. DON’T LET MANAGEMENT** get off track. If they raise unrelated issues or try to make the grievant angry, keep bringing the discussion back to the grievance. (“We’re here to talk about Annie Fox’s warning. Let’s keep on the subject.”)
- 7. DON’T LOSE YOUR COOL,** unless you’re doing it on purpose. Be calm and professional. If management gets ugly, don’t sink to their level. But don’t take abuse. If they won’t deal with you properly, end the meeting. (“We have been trying to discuss the problem. Since you have nothing constructive to say, we’ll end this meeting and go on to the next step.”)
- 8. TRY TO GET A RESOLUTION** of the grievance at the meeting, and sum it up in your own words. (“So we agree that this warning will be removed and the machine will be repaired, right?”) Then put the agreement in writing right there, if possible, and have the supervisor sign it. If you can’t resolve the grievance in the meeting, ask when you will get a response from the supervisor.





FOR UNION USE ONLY



Sample Information Request

DATE: (Date of memo)
TO: (Name of personnel officer, title, company)
FROM: (Your name and union position)
RE: Information Request for Grievance on (member's name or subject of grievance)

In order to represent employees under the grievance procedure of our union contract, I request the following information:

1. (List types of information, being as specific as possible)
- 2.
- 3.

I would like this information by (date). Please let me know immediately if you will have any problem getting this information to me by this date.

Completed Sample Information Request

DATE: December 2, 1999
TO: Douglas Black, Vice President of Human Resource, Winer Industries
FROM: Delores Parker, Union Steward
RE: Information Request for Grievance on suspension of Myra Perez

In order to represent employees under the grievance procedure of our union contract, I request the following information:

1. A copy of Myra Perez' personnel record.
2. A copy of the company's policy on attendance and leaves of absence, including family and medical leave.
3. Copies of the absentee, leave of absence and disciplinary records of all employees who have been pregnant or who have requested family and medical leave while employed at Winer Industries since 1993.
4. Any other records relevant to your decision to suspend Ms. Perez for poor attendance.

I would like this information by December 6. Please let me know immediately if you will have any problem getting this information to me by that date.

8. The Union's Right to Information

Sometimes company records can play an important part in winning a grievance. Under the law, the union has a right to request any information or employer documents which are "necessary and relevant" to properly represent members.

If a member is being discipline for attendance, the steward may ask management for the member's attendance record.

Before meeting a request for company records, the steward should always discuss the matter with his/her union representative. Remember, just because you didn't request certain records in the early stages of a grievance does not prohibit you from obtaining the records later on.

9. Advertise the Union's Victories

Victory!



Let your co-workers know when the union has won a grievance. Our victories in the grievance process are one way to build union support among the members. This is of special importance in states with right-to-work laws. Our victories encourage new and non-members to join the Union.

Local newsletters, leaflets, or informal department meetings are all good ways to get the good news out.

Labor Quote:

"The next generation will not charge us for what we've done; they will charge and condemn us for what we have left undone."

Mother Jones

10. Union Building

a. Get to know the members. Make sure that you everyone knows you are a steward. Members will feel more connected to the Union if they personally know who is willing to stand up for them.



b. Get yourself involved and others in Organizing other shops. The more members we have the more powerful we will be.

c. Get to know your shop. Make sure that you know all departments and areas where members work. Draw a map of your shop and make notes of areas where the union may not be as strong. Make sure to visit those areas to inform them of what the union is doing.



d. Get members to purchase Union gear by participating in our Workers United for Political Power (WUPP) program. When our members are active in politics, we have the power to counter the influence of corporations and the rich over government actions. All it takes is a small donation to our program and members will be able to wear Union gear and at the same time help their communities. Ask your local officers and/or Union Representative for more information about the union's political program.



e. Solidarity goes a long way. Help out workers from other plants in their struggle for justice. Solidarity actions are often a good way to recruit new members.

Labor Quote:

"The labor movement means just this: It is the last noble protest of the American people against the power of incorporated wealth."

Wendell Phillips