



# THE STEWARD HANDBOOK

COMMUNICATION • INCLUSION • EQUALITY • UNION



Canadian Labour Congress

Congrès du travail du Canada

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Canadian Labour Congress (CLC)  
Congrès du travail du Canada (CTC)

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## WHY UNIONS?

The labour movement in Canada dates back to the early 1800s. Since education was a luxury and not a right, most workers could not read or write and very few written records documenting their struggles and conditions exist today.

The records we do have, however, show a big division between skilled (or “trade”) workers and unskilled workers. An unskilled worker usually could not earn enough money to house and feed a family. Women (paid half as much as men) and children (paid about one-third a man’s wage) worked to supplement the household income. The worst catastrophe that could befall any worker was an incapacity, through illness, injury or old age, preventing him or her from working. Workers also lived in fear of “recessions” and winter, since both caused the closure of industry and, therefore, high unemployment.

A skilled worker fared much better, earning about three times that of their unskilled co-worker. Skilled craftspeople were in high demand in the building and settling of Canada and brought with them not only their skills but the standards already long fought for and established in Europe by their guilds or associations.

Throughout most of the 19th century, unions were illegal organizations. Legislation prohibited membership, organization, or even *talking* about unions. The penalties for those who sought to organize were stiff: fines, jail, or worse, being shut out of the job market entirely. Even so, organizing did happen. Workers knew that they would have a better chance of improving their lives speaking with one voice than they would have individually, and so they met and organized in secret. Fear of reprisal made workers protect each other's identity and use the terms “Brother” and “Sister” instead of their real names. Today we still refer to each other as Brother and Sister as a form of respect and remembrance to those who fought to build the labour movement we can now openly belong to.

It wasn't until 1872, an election year, that legislation came forward to legalize unions. The Toronto Printers (Guild) mounted a vigorous campaign for the 9-hour day and a 54-hour week. Opposition leader John A MacDonald, recognizing that the majority of printers were also land owners – and therefore voters – promised legislation to legalize membership in a union. True to his word, MacDonald’s government passed the Trade Union Act. Although this Act allowed the existence of and membership in unions, it still prohibited workers from striking and did not guarantee a union's [recognition](#) as [bargaining agent](#) by the employer. In fact, employers could actually request that an employee who missed work for whatever reason be jailed for being absent! It took many long, brutal [strikes](#) over the issue of union recognition before, finally in 1943, a federal law gave recognition to unions to act as the sole collective [bargaining agent](#) for their members.

As well as fighting for union recognition, early trade union action set the stage for Canadian labour's tradition of fighting for universal social programs and the improvement of [working conditions](#) for all workers, organized or not.

In 1886, the Trades and Labour Congress, one of the predecessors of our own Canadian Labour Congress (CLC), advocated policies like the 9-hour work day, nationalization of the railways, the setting of minimum health and safety conditions and the principle of equal pay for work of equal value. The Congress also advocated for the abolition of child labour and universal access to children's education.

This social democratic goal of improving workers' conditions beyond the organized membership is unique in the North American experience. To accomplish this, Canadian unions recognized, as we still do today, the need to involve themselves in the political arena and elect pro-labour governments to change legislation to benefit all of society. Our American counterparts, however, shunned this type of involvement, concentrating their efforts solely on their own membership.

The results today show two radically different societies. Canadian labour's involvement in electing pro-labour parties such as the Co-operative Commonwealth Federation (CCF) and the New Democratic Party ([NDP](#)) has resulted in universal health care, unemployment insurance benefits, pensions for the elderly, minimum wage standards, and standards ensuring a safe work place. In the United States, these are negotiated benefits of the organized minority.

Today, organized labour represents only 11.3% of the total American labour force, compared to about 31.5% in Canada. This means that, in both countries, it really is a small portion of workers who enjoy these benefits that we consider rights. This can cause dangerous divisions in the workforce, and can lead to employers working to "bust unions" in both countries. Historically, the policy of keeping certain workers "more equal than others" in salary, opportunity for advancement or even personal empowerment, has been a very effective tool of industry owners and governments to discourage workers from organizing together. When workers fight amongst themselves, it's hard to make collective improvements.

The Canadian labour movement continues to strive today for equity and equality under the banner of "an injury to one is an injury to all." [Collective agreements](#) are still breaking new ground, forcing the court system and law-makers to take on a range of equality issues. The extension of employee benefits to same-sex partners, [affirmative action](#) programs and [pay equity](#) have all been first negotiated by unions, then challenged and upheld by the courts before provincial and federal legislators were forced to change the laws.

So today, we must continue to strive for more gains while we guard those already made.

In spite of advances, two-thirds of Canada's labour force do not belong to a union. With the advent of globalization, more and more private industries with unionized workforces are closing their doors in Canada only to re-open them in developing countries, where the wage and labour standards may be low or even non-existent. Governments, as employers, are also jumping on the bandwagon by privatizing departments or selling them to the private sector. This not only

eliminates well-paid, unionized positions but also gives Canadians less control over the public services they pay taxes to get.

We face immense challenges today. A perpetual and precarious rift is being created among Canadian working people. Many unorganized workers are desperately poor or underemployed and unemployment within the country is high. Government and business leaders are well satisfied to keep it that way. Workers' salaries, benefits and social programs are constantly being blamed for the economic woes of the country.

The business-owned media plays a big part in pitting workers against each other. Unionized workers are constantly bombarded with reports of other unionized workers being greedy, unproductive or "out of touch" with today's economic realities in their contract demands. Organized and unorganized workers are played off against each other on the picket line, the worksite and in the political arena by both governments and corporations as well as by small business lobbyists.

Your union may be one of the biggest and most powerful in the country but it can never be politically secure if unions become a privilege of an organized minority of workers. This is why we must fight against an individualistic "me first" attitude and continue to direct our efforts to "organize the unorganized." Unions must continue to educate and organize their memberships around the importance of obtaining legislation more favourable to union organizing, collective bargaining, full employment and a decent standard of living for all workers.

Critics from corporate and government sectors have decried unions for becoming too powerful and wealthy. This charge is ludicrous in the face of the current "profits before people" agenda put forth by those same groups. Private industry and governments alike have created unprecedented challenges to the ability of unions to effectively represent their members – including threatening to close down operations or cut staff while demanding wage and benefit concessions from their workers, governments' legislated restrictions on the right to strike, the privatization of public services and the lowering of trade barriers to facilitate corporate power.

As a steward, your main job is to help educate and organize around your conviction that the union is the most important voice that workers have. You must offer an alternative view of workers and the labour movement that portrayed by the business media, by government and by corporations. The integrity and power of unions must be defended in the coming years with the same commitment, dedication and sacrifice which has built the [trade union](#) movement over the last 140 years.

## **LABOUR'S STRUCTURE**

Well, now that you feel as if the entire fate of the Canadian labour movement rests on your shoulders, you should know that you are one part, albeit a very important part, of a large interlocking structure and support system.

As a union member, you and your fellow workers belong to a [local](#), branch or lodge of a [national](#) or [international](#) union [affiliated](#) with the Canadian Labour Congress (CLC).

The CLC was founded in 1956 when the Trades and Labor Congress (TLC) and the Canadian Congress of Labour (CCL) merged. This merger meant that the majority of Canada's labour organizations, both national and international, were unified under one umbrella organization. The purpose of this merger was essentially the same as joining a union. By joining forces, labour could accomplish more than it could as isolated unions. This still holds true today.

The preamble of the CLC Constitution states, in part:

*The Canadian Labour Congress, as the voice of working women and men, promotes their interests in the community and at national and international forums. We speak out forcefully for our affiliates and their members to employers, governments and the public to ensure the rights of workers are protected and expanded.*

*We believe that every worker is entitled, without [discrimination](#), to a job with decent wages and working conditions, union representation, free collective bargaining, a safe and healthy workplace, and the right to strike.*

*We believe that we, as members of society, are entitled to basic human rights, political freedom, quality public services, good democratic government, a safe and sustainable environment, a just and equitable society, and a peaceful world.*

As you can see from this statement of purpose, the CLC does not perform local union functions like collective bargaining. It is concerned with coordinating the activities of its affiliates at the national level, including the relationship between the labour movement and the federal government, as well as relationships with organized workers around the world.

The CLC maintains a close watch on the federal government and its departments in Ottawa and puts forth labour's ideas and policies to the Prime Minister and Cabinet. Likewise, the CLC-chartered provincial federations of labour and community [labour councils](#) closely monitor the activities of governments at their respective levels. This structure provides an important framework through which the CLC can network with other progressive organizations in mounting national, provincial and regional campaigns to achieve worthwhile goals.

Every third year, the CLC holds a national convention. These gatherings have been described as "the Parliament of Canadian Labour", since they are comprised of some 2,500 local union delegates. Most of their time is spent discussing resolutions which determine the policies and priorities to be followed for the next three years. Every local union, provincial [federation of labour](#) and

labour council is entitled to submit resolutions for consideration by the convention and to send at least one delegate.

After having been given direction by its affiliate unions, the elected officers and staff of the CLC set about putting the resolutions into action. All of the specialized services of the CLC are ready to assist affiliates and help mobilize campaigns. These special services include education, organizing, public relations, women's and human rights expertise, social and community programs, political action, research, occupational health and safety and international affairs. The best thing is that these services, through your union or local labour council, are also available to you as a union steward. There are many educational courses that you can take to make your job as steward easier. Also, the availability of speakers' notes on all current issues will help you in making labour's position clear to your membership. These, together with your own union's publications, will give a good alternative point of view from that of the corporate media.

In addition to this, the CLC provides service and education staff in all regions throughout Canada, and its publications and courses are available in both official languages. This ensures that all workers across Canada have equal access to Congress services. All of this is financed by a per capita tax, which is a portion of your union [dues](#). The provincial federations of labour and the local labour councils are also funded in a similar way. The federations are chartered bodies of the CLC in each province and territory, who provide the same types of services as the CLC does nationally. Since labour legislation affecting most industry is a provincial responsibility, they deal with labour legislation and other statutes within their respective province or territory.

Since the majority of unions in Canada are members of the CLC, its voice carries the weight of one third of Canadian workers and thus frequently speaks for workers as a whole, regardless of whether or not they are members of a union.

So, while collective bargaining on wages, benefits and working conditions remains the basis of union activity, there is also a need for a central labour organization such as the CLC to bring together the common interests and objectives of all workers. It is important to remember that the leverage for action by the central bodies such as the CLC comes from the involvement of its unions. They provide the membership and the funds which give the labour movement its strength.

### **Where do you fit in as a steward?**

Just as the CLC is the link between Canadian unions, you too, as a steward, are the link between your union, the labour movement, your membership and the community. In fact, to the majority of the community and to your membership, you *are* the union! This means that people will assume that your views are the union's views. As the union representative in daily contact with the membership and the community (through your local labour council or community action groups), you, the steward, have the greatest influence on the attitude of the membership and community towards the union.

Getting involved in the labour council is a good way to learn about the labour movement and meet other unionists in your community. The labour councils are usually the most effective agencies at the local level for carrying through policies of the trade union movement initiated at the provincial federation and national levels. As such, they represent the interests of labour and have a voice in dealing with municipal councils, boards and commissions. The councils bring together local unions in the community, enabling them to play a role in local affairs. The range of activities in which the labour council involves itself is diverse – from providing strike support for local unions, to local area organizing, to United Way fundraising, to hosting local CLC educational institutes. They also coordinate activities around important labour dates such as International Women's Day, the Day of Mourning for workers killed on the job, and December 6, the day of remembrance of the Polytechnique Massacre.

Most labour councils across Canada have limited funds and no full-time staff. Their work is carried out by many unpaid elected officers, together with volunteers from amongst their delegates and other union members and stewards. Because the labour council is the umbrella organization at the community level, councils are financed through per capita taxes on CLC affiliates within the respective community. Although affiliation is not mandatory, all CLC affiliates are encouraged to join and stewards are encouraged to get involved.

Labour councils are only as strong as the support of their affiliates, thus their effectiveness varies from area to area. If we are to protect and put forth labour's concerns at the community level, a strong community-based organization like your labour council will be a necessity.

## **WHY DO WE HAVE STEWARDS?**

An employer has its supervisors and managers. Policy decisions are made at the top and handed down in the form of orders. Information about what's going on in the workplace is sent back up the management hierarchy.

This is what the union must deal with, and the union cannot deal with managements on equal terms unless the union has a similar organization of its own. The steward system is that organization. It gives the union its strength and gives the union the organization that puts it on an equal level with management.

Your position as steward within this system confers upon you a great responsibility. You have the power to transform collective agreements from mere pieces of paper into a living protection of the rights of the members in your work location. Without the steward to enforce it, even the best collective agreement would only amount to a collection of well chosen words.

The steward system was originally developed to ensure that collective agreements were not merely words. New unions were established during the great organizing drives of the 1930s. After helping a new local obtain an agreement, the organizer would move on.

In some cases, the members of the new local assumed that since the agreement was signed, all the benefits from that agreement would automatically follow. So, many local unions sat back and waited.

Months later, when the union representative returned, it was usually to find that the local had fallen apart; the collective agreement was not being followed; and the workplace had reverted to its former condition. The members simply had not realized that a permanent structure of dedicated people would be needed to protect and enforce the workers' rights under the agreement.

Where members did follow through, the local survived. But where the functions were neglected, the locals fell apart. It was the steward system which guaranteed and continues to guarantee the survival of most unions.

If the stewards do their jobs well, the workers will know that their union is behind them. The employer will be extra careful to live up to the contract. If the stewards don't do their jobs there won't be a union presence in the workplace. The stewards don't have to carry this load all by themselves. Whenever help is needed, you should call on the union committee, or the union representative. A good steward system will find a loyal and strong membership behind it. Poor stewards won't find anything.

So, why pick on you?

Because you have the confidence of the union members in your department. You were picked or elected to represent your department and your union in front of the employer and the labour community.

It's a tough job. Sometimes there are more kicks than pats on the back. You have to give up a lot of your own time. You have to set an example because your

members and the employer keep an eye on you. You've got another full-time job to do in addition to your regular job in the workplace – without extra pay.

But it does pay off. There is great satisfaction in doing a tough job well, of being the key link, and in being a leader in your own organization.

## **THE ROLE OF THE STEWARD**

The steward has two very important jobs. Obviously, the first one is to monitor the workplace conditions as set out in the collective agreement. Without you, the collective agreement is just a piece of paper. You are there to deal with complaints, investigate and settle [grievances](#), and ensure that management abides by all of the clauses that were negotiated by your union. The skills you will need to do this part of your job will eventually become second nature to you, just like walking and talking. Later in this guide you will find a step-by-step reference which, if you follow it, will help you to acquire these skills.

The second, and equally important, role of the steward is unfortunately often overlooked. This is the role the steward plays as the union's link to the membership. You are in the workplace and have direct contact with members who, for whatever reason, may not attend local meetings, read union publications or even check out their union's website. For these people, you might be the only contact they have with their union local and the labour movement. Therefore the more active contact you make with your membership, and the more you educate them about unions and issues, the more involved they become in their union.

To do this job effectively, you will have to be a good organizer and educator and, most importantly, a good communicator. We are all different and have different strengths and weaknesses, so while there is really no right or wrong way to display these qualities, there are some common attributes or skills which will ensure your success.

### **BE A GOOD COMMUNICATOR**

As funny as it sounds, the first step to good communication skills is to acquire good listening skills. If you listen carefully to those around you, people will tend to pay more attention to what you have to say when you do speak.

#### **Good listeners:**

- Stop talking. It is impossible to listen if you're talking!
- Focus on what is being said.
- Get clarification on things they don't understand. Don't just assume that you understand what is implied. Asking for clarification is a good thing.
- Empathize with the person you are listening to. Put yourself in their place and try to understand how they feel. If you do this, you will never try to "show up" or embarrass the speaker.
- Are objective in their listening. This means that you won't impose your own values on the speaker, but rather allow the speaker to give their perspective in their own words.
- Don't argue. Everyone has their own value system and emotional baggage which colours their perspective on a situation. Arguing makes people defensive and then they are unlikely to change their opinions. If you disagree, particularly when talking about the union or its policies, it is

best to be assertive and logical. Explain your position calmly and assertively – and back it up with facts!

- Listen for the personalities. The more you know about the likes and dislikes of your membership, the easier it will be to find common ground and figure out what motivates them when it's time to organize.

Now that you have gotten to know your membership better, and have earned their respect as someone who listens and cares about their problems, it's time to start talking and learning.

It is going to take you a while to learn all the things this reference guide says you ought to know. Take your time. By studying the manual and using common sense in applying it to your local union situation, you will do a better job. Your devotion in the day-to-day task of serving the interests of your members strengthens your union. This is most important. Your willingness to learn and work at it as you go along will bring the trade union movement great benefits.

### **Some tips when speaking to your membership:**

- Speak directly to the membership, either one-to-one or by holding lunchroom meetings. Keep the members informed about what happens at union meetings, about union activities and the plans of your employer and the government.
- Refer your members to the bulletin boards but don't use these as a substitute for giving information personally.
- Know and explain the policies of your union and of labour. These are the collective values of the labour movement and they will help you and the membership have a better understanding of some common goals.
- Seek out new members, introduce yourself and explain what the union does and how they can contact you if they have a problem. Promote the union's gains.
- Hold departmental meetings as often as possible to discuss workplace problems. The lunchroom might be a good forum for this. You will find that if you are well prepared your members won't resent these small interruptions to their lunch breaks, but rather will look forward to your information sessions and start to ask questions. So know your facts!
- A good way to "break the ice" when you're meeting with a group or with just one person is to start by asking questions. For example, if you were to say, "Afternoon shift has been reporting problems with harassment from management about sick leave. Has anyone here experienced similar problems?" Automatically, you have involved your listeners and have everyone's attention.

Don't forget, good communication is a two-way street. That is why listening goes hand-in-hand with speaking.

## **BE A GOOD EDUCATOR**

In order for you to become a good educator with your members you must prepare yourself. Your union and the CLC can help you do to this. The CLC, for example, offers a whole range of different courses, from Steward Training, Union Organization, Bargaining and Negotiation, Women's and Human Rights, all the way to Labour College (higher education for trade unionists). These courses are available through both your local labour council and your union. Ask your local union to help you participate in the labour schools held by the CLC and those of your own union.

Learn about your collective agreement, your constitution and your local's by-laws. Then educate your membership about both their rights and responsibilities. Some local union education committees do this by having a "feature clause" of the collective agreement, either weekly or monthly. Together the steward and local union publications explain the union's interpretation of the featured clause, while giving the membership an update on the status of grievances and any [arbitration](#) decisions. The effect of this is twofold:

First, it creates a better understanding of the collective agreement for everyone.

Secondly, it gives an update to the membership of how the union is working for them.

Be assertive and prepared. Deal with members' repetition of [anti-union myths](#). Remember, most members get their information by reading, watching or listening to media, which is controlled by big business. The best way to combat these myths is by logically pointing out how they are not true. You will find a few of these myths and union responses to them at the end of this chapter.

Remember who you are educating. Your membership are adults and you should treat them as equals, with the same respect that you expect. Your goal is to share information, not to show how much more you know than anyone else. Education is a two-way process. Unless you learn from your members – from their knowledge, experience and moral strengths – you cannot be a good educator yourself. Besides, not respecting and appreciating the qualities in someone else is the quickest way to alienate them.

Always be ready to remind people what their union does for members, and be ready to defend the union, its benefits and its gains.

## **BE A GOOD ORGANIZER**

Mastering good education and communication skills takes you more than two-thirds towards being a good organizer. Good organizers combine these skills with a few other ingredients, including:

- **Participation:** Everyone has different levels of participation at which they are willing to involve themselves. While not everyone would feel comfortable being on the front line in a demonstration, there are many other important jobs that need doing, from compiling contact lists to organizing events to doing outreach. By involving everyone according to

their own limitations and showing them that these jobs are just as important as front line participation, you help ensure that all members can take ownership of their chosen form of action. At the same time, it is important to recognize the difference between participation and support. Just because a member may not actively attend a meeting doesn't mean that they don't support your efforts or goals. Don't alienate this support by condemning their lack of participation.

- **Democracy:** Work as a team, ask for input and look for the other natural leaders who can head up committees. Don't try to do everything yourself. First of all, you can't possibly do it all on your own; and secondly, union actions are collective actions and they succeed when we act collectively!
- **Simplicity:** No matter how big the problem, start out with simple actions and hopefully obtainable goals. This builds the confidence of the membership. They will be more willing to escalate their actions in later campaigns if they feel good about the first one.
- **Fun:** An action that is fun draws people together and makes the experience memorable.
- **Objectivity:** Stewards sometimes fall into the trap of taking lack of membership participation in local meetings personally, and then refusing to tell others what went on. Allowing your frustration to get the better of you could turn members off the union for life. Remember that the lack of participation at local meetings doesn't necessarily mean that the member does not believe in the union or that you are not respected as a steward. Perhaps there are other factors that prevent the member from participating.

**You might ask yourself questions like:**

- Do your local meetings occur at times when family responsibilities would make attendance impossible for some?
- A good organizer would take this into consideration and suggest that the local try providing child care or even stagger the meeting times so that some members would be able to attend at least some of the time.
- Do members have transportation?
- Are your meetings accessible to members with disabilities?
- Does your local provide translation services for those members who are more comfortable in their own language?
- Perhaps enlisting the help of one member who could translate for others would encourage more active participation of other members.
- Does your local provide translation services for auditory or visually challenged members who may want to participate?

- Finally, does your local actively solicit the participation and leadership of people from equality-seeking groups, including people of colour, women, gays, lesbians and members with disabilities?

Just as the workplace should reflect the changing face of society, so should our unions. More than any other organization, a union belongs to its members. If labour is to continue to be the voice of workers, we must work very hard to include all of our members, and you as an organizer should be able to objectively examine whether your local union and the wider labour movement is really accessible and comfortable for the entire membership. If it isn't, talk about it and involve people in trying to fix the problem. Asking for input into various solutions will be the first step to fuller participation.

## **BE A LEADER**

A steward is the front-line leader in the local. This means that principles that apply to the local executive also apply to you as a steward.

Great ways to show leadership include:

- Set an example. By your actions, show your membership that you believe in the union's policy of an equitable and just society and workplace. Be assertive in standing up against racial and sexual harassment. Stop the offending behaviour. If you are consistent in rejecting such actions, jokes or slurs, it will soon become public knowledge that this type of behaviour is unacceptable and will not be tolerated.
- Work to dispel fear of the boss. Treat your supervisor as an equal and show that you expect to be treated as an equal too. Don't be afraid to speak up in defense of your members or the collective agreement.
- Work with all of the people in your department. Speak for them; act promptly and decisively; service all members fairly and equally, regardless of race, politics, religion, sex or sexual orientation; and keep your word.
- Deal promptly and decisively with all rumours. Rumours, especially from the employer, can cause fears and divisions in the membership. Find out the truth and then talk to your members.
- Keep in close contact with your membership and let them know where you can be found at all times. Encourage workers to come to you with their problems rather than to the supervisor.
- Refer union members' out-of-work problems, such as housing, unemployment, medical care, legal problems, etc., to local union officials or to union counselors. If union counseling is not available in your union, press your local to arrange for a training course. If you have counselors in your workplace, use them.
- If you don't know the answer, don't make it up! Tell the member that although you don't have the answer right now, you will find out and get

back to them as soon as possible. Make sure you follow up. The union movement is full of the resources you need to get the answer.

## **BE POLITICALLY AWARE**

- Know the provincial and federal labour laws that affect you, your members and the union. Remember, anti-union/anti-worker labour legislation can restrict our organizing activity, our bargaining rights and the protection we can give our members.
- Know how to work for improved labour and social legislation. Support candidates who support labour's program.
- Keep up-to-date on political issues by reading union publications – then discuss them with fellow workers.
- Take part in local community political activity through your local labour council and encourage your members to do the same.
- Acquaint yourself with special issues material put out by your union or the CLC and ensure that each member understands how a particular issue will affect them.

## **ANTI-UNION MYTHS – AND HOW TO BUST THEM**

### **“Unions are strike happy.”**

Unions negotiate for collective agreements – not strikes. No union wants a strike, but they are sometimes necessary when there is no other way to reach an agreement. To union members, a strike means sacrifice – for themselves and their families. Workers won't go on strike unless the issues involved are so great they are worth the sacrifice. Unions always conduct membership votes before taking strike action and a strike occurs only when it has been approved by a clear majority.

In collective bargaining, strikes are the exception rather than the rule. About 97% of all union contracts are settled without strike action, yet the media seems to publicize the few strikes rather than the many settlements.

But the right to strike – or the right to withhold one's labour in unison and agreement with fellow workers – is crucial to maintaining democracy. In totalitarian countries, the right to strike is prohibited along with all other freedoms. It is also important to understand that, as workers, we barter our labour or services with the employers or owners in order to provide for ourselves and our families. If we do not have the right to withdraw those services, we no longer have anything with which to negotiate. One reason that the labour movement began in Canada was that employers were more concerned with profits and productivity than with the living standards of their workers.

**“Unions were good at one time but they have outlived their usefulness.”**

The Toronto Globe and Mail made this argument on May 6, 1886! Now, over 125 years later, it is still one of the most common arguments against unions.

Without unions, in 1886 or now, how many Canadian workers would have been granted a decent wage or have leisure to enjoy it? You can't have prosperity or social justice when two-thirds of the people are broke. Thanks to the wage levels established by the labour movement, even unorganized and anti-union workers have benefits today.

In light of the world-wide trends of globalization of trade and economics, it is more important than ever to recognize that without a collective agreement outlining the conditions of work, wages and benefits, the employer has the right to treat its workers in any way it wants. Workers would have no protection from a management that could alter any work process or pick favourites and play off worker against worker. Without a union acting as a form of insurance and security, workers are like sitting ducks in a shooting gallery.

**“Unions protect the lazy... the people who should be fired.”**

No union contract requires an employer to keep a worker who is lazy, incompetent or constantly absent or tardy. What the union does is make sure dismissals are for “just cause” – for real reasons – and not personality clashes between supervisors and employees.

Yes, some older employees can't be fired as they once were when they were considered not to be as useful or productive to their employer. Women who have a union can't suffer discrimination from their boss because the boss fears they may get pregnant, for example. In that way, unions do protect people's jobs. That's the purpose of a union.

**“Unions are too big and powerful.”**

Comparing “Big Unions” to “Big Corporations” and “Big Government” is a favourite trick of the media and other groups like the Canadian Chamber of Commerce and the Canadian Federation of Independent Business.

“Big” and “powerful” are relative terms. In actual fact, most Canadian unions are quite small, and together they represent less than 33% of the country's workforce.

Even the largest unions, in terms of size and resources, pale by comparison with transnational corporations such as Domtar, Suncor Energy, Canadian Pacific or General Motors.

In Canada, few politicians ever dare interfere with “free enterprise”. Business can set their prices, sell their products and throw their money into anything, from advertising to a new executive washroom, without supervision or restraint. Governments will usually give them money or tax breaks to do this.

Politicians feel differently about unions. Unions require legal [certification](#), formal backing from a majority of the workers they represent and a long, complicated

legal process before they can call a strike. Governments intervene in strikes, force workers back to work, freeze salaries, reopen collective agreements and jail union leaders. Do you ever see governments try those tactics on companies?

Unions are made up of all kinds of people. They're human. They negotiate for what they can. After all, they get plenty of examples from the business world. We all have ringside seats to the profiteering by oil companies, supermarket chains and banks.

If unions were even one-tenth as powerful as they are said to be, they would be able to organize millions more Canadian workers. They would be winning more of their strikes and increasing their members' wages and benefits a lot more than they actually are.

**“Unions are always making unreasonable demands.”**

What is a reasonable wage demand? One that meets the workers' needs? One based on the employer's ability to pay? One that's tied to productivity? Or one that the business media thinks is responsible?

The fact is that nobody has yet devised a workable formula for determining wage increases that would be considered reasonable by the workers, by their employers, by the public, by the press and by the government. One group or another will always be unhappy.

Besides, most employers – except occasionally when in genuine financial stress – still refuse to open their books to union negotiators. Unions are thus denied access to the data on profits, productivity and labour costs they must have in order to formulate “reasonable” demands. The only alternative in our private enterprise society is for unions to go for as much as they think their members are entitled to. To some segments of our society, anything they try to negotiate is too much.

**“The public is not represented in – and is the innocent victim of – strikes by workers in the public sector.”**

Unions in the public sector have to bargain directly with government officials or their agents. Who are these officials representing if not the public? The mandatory [conciliation](#) process, along with other legal rituals that must be followed before a legal strike can begin, are all imposed by government in the name of the public. Unions simply follow these rules.

Public employees are exactly what their label implies. They are the public's employees. They are our employees and when they go on strike, they do so for the same reason employees in the private sector go on strike: because they are dissatisfied with the way we, through our elected representatives, are treating them.

If the service provided by postal workers, garbage collectors, hospital workers, workers in transportation, clerks in government departments and other key industries are truly essential, why are such workers so often among the lowest

paid? If their jobs are so essential, why are they being contracted out and “re-organized” to cut positions?

The public, as an employer, really has no more right to claim immunity from strikes than any other employer who doesn't make an honest effort to treat their workers fairly. When governments refuse to bargain in good faith, unions representing public employees have no alternative but to exercise their right to strike, when their members vote for this action.

People who may be hurt or even just inconvenienced by public sector strikes should make an effort to look at other sides of the dispute to determine if their employees' demands are justified. If they are justified, then public pressure should be directed at governments to offer fair settlements, rather than force unions out on strike because it might be politically convenient – or, once a strike is taken, impose “back-to-work” legislation or other strike-breaking laws.

### **Dealing with the critics**

Other than having to deal with these general misconceptions about unions, you will always have at least one member who is the “union critic”. For the steward, the critic is your heckler, dampening morale within your local and irritating you and others.

Their complaints run the whole gamut and can include:

- “The union is meddling with everything.”
- “The union is too cozy with management.”
- “The union is too confrontational with management.”
- “The union should stay out of politics.”
- “The union should do more politically.”

The union critic may be someone who is negative about everything else in life. Because complaining is their chief activity, critics take no direct action to undermine the union. A negative person does not attract followers and usually is a loner. Be realistic about what you can achieve with such a person. Give them a friendly ear, point out the positive and suggest ways for them to get involved. But don't be surprised if you don't make headway – this kind of person just needs to complain.

Another type of critic is someone who feels that the union has somehow wronged them. Maybe a grievance was lost, or something was not resolved in bargaining, or some concern was not defended adequately. This person tells a tale of woe to anyone who will listen, and it often gets exaggerated with each telling. This can often turn people off the union.

Sometimes this critic's dissatisfaction is fuelled by misinformation or unrealistic expectations about what the union can reasonably accomplish. You should talk it through with this person – perhaps no one has really explained how the grievance process works or what happens in bargaining. It is important that the

members understand that the union is not a miracle worker. If what happened was a legitimate mistake on the part of the union, acknowledge it and shift the discussion to how you both can make sure that it doesn't happen again. Emphasize that the union works best when people are involved.

Probably most frustrating for the steward is the critic who belittles what the union does but offers no constructive advice. When asked to get involved, this person pushes it off on to the steward, saying, "It's their job." If you are someone who tries to do everything yourself, you probably have many critics like this. Remember, the more you involve others the more difficult it is for them to continue their griping.

The bottom line with the critics is that *they* are the union. If they make no effort to change the aspects of the union which make them dissatisfied, they have no right to complain.

## WHAT YOU NEED

There are some key things you should have at hand, or close by, to be well-prepared as a steward. They include:

- The collective agreement. Having a general knowledge of the agreement is necessary, but when answering a specific question about the agreement you must look at all of the relevant clauses from the first word to the last word, their relation to other clauses in the contract and their relation to the contract as a whole.
- A list of departmental members. Keep a list of workers' names, email addresses, mailing addresses, phone numbers, [seniority](#), [classification](#) and wage rates.
- A seniority list.
- A copy of the employer's rules and regulations.
- A copy of the provincial Act pertaining to occupational health and safety.
- A copy of WHMIS, the Workplace Hazardous Information System.
- Special dates in labour history and where to get information about them.
- Grievance forms plus fact sheets and any other forms the union expects you to use. Electronic or paper-based.
- Union constitution and by-laws.
- New member kits. These are brochures or kits describing your union and its activities. They will allow you to introduce yourself to new members and explain to them what the union is and the benefits the union brings.
- Pen, paper, notebook or device. When you are approached with a request, complaint or grievance, get the information down immediately – whether on paper or on your tablet or computer. Always record the date and time. Don't rely on your memory or the member's memory for details.

You might have all of this information on your smartphone, tablet or laptop. Or you might prefer paper versions of everything. The important part is that the information and the tools are at hand when you need them – and you never know when you might need them!

## **WHAT SHOULD THE STEWARD KNOW?**

No steward ever knew all the answers when they first took on the job. You will learn by listening at union meetings, reading literature and participating in day-to-day union activities.

The first thing a steward should know is all the provisions of the [Collective Agreement](#). Since no contract is perfect, you must also understand its limitations. Discuss the contract with fellow stewards and union officers. Understand how its provisions apply to special departmental conditions; notice what each section covers, such as promotions, holidays, hours, etc. You don't have to memorize it word for word, but you must know where to look for the provisions which apply to any particular type of situation or grievance. Get familiar with the grievance procedure, its steps and time limits. Know where to obtain seniority lists and if possible, keep a copy with you. Know something of the wage and classification structure in your workplace.

A contract is like an iceberg – there's a lot below the surface. Sometimes the union and the employer have agreed on interpretations which aren't written into the contract. When faced with a dispute over the meaning of some wording, the best rule is to look for the most reasonable interpretation. Check with your local union representative, your president or a member of the negotiating committee. Some successful local unions have regular stewards' meetings in which they talk about the contract's strengths and weaknesses. This gives stewards the opportunity to share work floor problems and solutions, as well as the finer points of monitoring the collective agreement.

In addition to the collective agreement, the steward should keep handy the booklets and letters referring to the employer's policies and workplace rules and be reasonably familiar with them, especially those sections dealing with disciplinary action. Watch the bulletin boards and read all the notices. Read employer newsletters and financial reports. Watch the newspapers for news of your employer and industry.

You don't have to be a lawyer, but knowing something about the important labour laws which affect the union and your members will help you do your job – to protect your members, build your union and even settle grievances.

As a member of the Canadian labour force, you work under either federal or provincial jurisdiction with regard to labour laws. The Federal jurisdiction covers railway, telegraphs, communications, canals and other works connecting the provinces. It also has jurisdiction over industry and business declared to be for the general advantage of Canada or for the advantage of more than one province. Labour legislation governing the Yukon and Northwest Territories also comes within the jurisdiction of federal legislation. All other employees are governed by their provincial labour legislation, usually entitled the Labour Relations Act or Trade Union Act.

As you become familiar with labour legislation, you will see that most laws could stand to be strengthened. Many laws which are intended to be helpful may be weak because of loopholes, inadequate benefits or poor enforcement.

Minimum standards, health and safety, labour relations, unemployment insurance, workers' compensation, and old age pension legislation generally fit this description. Other legislation has actually hurt unions in collective bargaining, such as wage control legislation.

There is only one way to make major improvements in the laws – elect pro-worker/pro-union governments through political action. You can make a tremendous contribution if you know what is wrong with the labour and social legislation in this country. Your local labour council is the perfect forum to discuss the effects of legislation on unions, since it draws a good mix of private and public union delegates.

Discuss some of these laws with your members, and get them interested in your union's political action program.

### **Key things to know:**

#### **Arbitration cases.**

You should have a general knowledge of arbitration cases and decisions involving your collective agreement. Ask your grievance committee or local officer to show you decisions (whether they are for or against the union) that impact on your collective agreement. These decisions are known as "[jurisprudence](#)" and are very important to current and future grievances. These decisions help arbitrators to decide the merits of cases they are currently hearing. If the union has too many bad decisions with regards to a clause, then they know that either the language must be re-examined in the next round of negotiations or that better investigation is needed by stewards. Winning cases, however, can be very helpful to you when you argue the grievance with management.

#### **Duty of fair representation.**

In the federal labour code, as well as in the majority of the provincial codes, there is a clause that the union has the "duty of fair representation." Basically this means that all employees (not necessarily members) in the [bargaining unit](#) have the right to be fairly represented by the bargaining agent (union). "Fair" representation means that the union must not act in a manner which is "discriminatory, arbitrary, (or) in bad faith" toward any employee. In very general terms, this means that the union must serve and represent all employees equally. You must do so in a very conscientious manner which is completely void of hostility and/or malicious intent. The best practice for you would be to discuss it with your local officers or grievance committee before refusing any grievance.

#### **You should have a general knowledge of all operations performed in your area.**

This includes the [working conditions](#), the production requirements and the machines or equipment associated with them. You should know which machines

are always out of order and which ones run well – and which workers are sprinters and which ones work at a steady pace.

### **You should know the jobs in the department, the machinery, and the rates of pay.**

If there is an [incentive](#) system, understand its workings. Be sure you have a copy of the seniority list.

Put all of the material on rates, seniority lists, past grievances and any other information in a folder or notebook or on a device. Keep the information handy yet somewhere that is not accessible to management. The more you know about the operations, the easier it will be for you to handle grievances.

### **Supervisors**

You should know all the supervisors with whom you have dealings, the extent of each one's responsibility and authority, and their personal traits. This doesn't mean that you have to be a graduate in psychology. This information comes to you gradually and quite unconsciously in your day-to-day relationships with the workers you represent and with the supervisors with whom you deal.

### **Your members!**

You should know all the members you represent and their personal characteristics. People are not all alike, therefore, different people need to be handled differently. For example, some people will give you the full story on a grievance; others won't. Some members have a good steady work record that you can use as an argument when talking to a supervisor; others don't. Some workers have home problems that affect their work; others don't. If you get to know the people you represent, you can take these differences into account. Also, the better you know your people – and the better they get to know you – the easier it will be for you to “talk up” the union. If the members in your department feel that you are a friend, they will let you know when they have “gripes” against the union. Being a friend is important because stewards first have to know about complaints before they can take steps to correct them. Furthermore, if the people in your department have confidence in you, you will be able to help the union in overcoming some of the criticism. With a little practice you will soon learn which members tend to present legitimate complaints, and which members have axes to grind. You will find out which members are short-tempered or argumentative, and which members present thoughtful ideas. When you know your people, you will consider these differences when you represent them or deal with them.

### **Your union**

One of your key jobs is to build the union. To do this, you need to know your union, what it's all about, what it's doing and why. To do this effectively, you have to be informed. Learn the structure of your organization so that you can make the best use of it through its educationals, conventions, etc. Know your constitution, your local by-laws and dues breakdown. Read your union paper. Attend union meetings.

**And – know yourself!**

Know your strengths and limitations. No one expects you to learn all this information today, or even tomorrow. You'll start with a basic understanding of the issues at hand and grow your expertise as you perform your job. Remember, if you don't know the answer to something, seek advice.

**Finally, keep in touch with your local union officers and get to know members from other locals in your union.**

The best way to do this is to try to become a delegate to your union's convention. This is an opportunity to get to know union issues and policies outside those of your local. Reporting back to your membership about a convention's excitement and debates will make everyone feel a part of the larger union to which you belong. All of this boils down to one thing: be informed!

## **WHAT'S SO WONDERFUL ABOUT THE CONTRACT?**

Written contracts specify a unionized workplace's working conditions, wages and benefits. Contracts are the symbol of the workers' acceptance of the union as their bargaining agent. That's why unions fight for good contracts.

The contract is a set of rules that says, "This is the way things should be." But, like traffic laws, the contract isn't always followed. The point is that the contract doesn't enforce itself – it requires people to make sure it's followed, and needs people to take the proper steps when it's not followed.

It is important to remember that contracts aren't copied out of some textbook and signed after a casual reading. They are hammered out by representatives of the employer and the union, usually after weeks of negotiation. The elected union committee doing the fighting is helped by union staff experts who know how to negotiate and know current bargaining trends. Managements use a whole battery of experts to negotiate on their behalf.

Remember, the contract is a compromise agreement between the employer and the union. The stronger party during negotiations tries to make the contract as specifically favourable to its interests as it can. The other side hopes to make favourable inroads with general and limiting language.

Many bitter disputes and strikes have been fought to force employers to sign contracts. But after the contract is signed, it's only a piece of paper – unless the steward makes it effective.

One thing cannot be said too often: there are no unimportant clauses in the contract. If there were, unions wouldn't bother to fight so hard to put them in. If you disregard one clause, or let the employer break it at will, you will have a much tougher job trying to enforce the sections you want enforced.

That's where the steward comes in. It's your job to watch for violations of the contract and to speak on behalf of workers who are affected by those violations. If you don't enforce the provisions of the contract, then it is worthless. The means by which you enforce your collective agreement is called the grievance procedure. Enforcing the contract provisions through the grievance procedure is important because the rights and interests of the union members are protected and guaranteed.

Grievances grow out of the problems, the dissatisfactions, complaints and hopes of the membership. By handling these problems correctly, you bring the union in close touch with the membership. There are going to be grievances you won't know how to tackle. When this happens, don't be afraid to ask for advice. Get the facts – then see the chief steward or some other union official. When they have told you how to handle the case, go back and take it up with supervisor yourself.

## **WHAT'S A GRIEVANCE?**

As a steward, you are likely to get complaints on every aspect of working conditions in your workplace. But they might be just that – complaints. For a legitimate grievance to have occurred, there must have been a violation of the employee's rights on the job. It's your job as a steward to decide which rights have been violated and so determine whether a grievance exists.

What defines a grievance:

Because most employees' rights are contained in the contract, this is the first place you look to see if there is a real grievance against the employer. If the grievance is a clear-cut violation of the contract, it will be easy to prove, provided you stick to your guns. If it involves an interpretation of the contract, it will be a little harder to prove. Thus, a complaint involving a dispute or difference of opinion or interpretation between the employer and the union, involving the collective agreement, is a grievance. This is one area in which understanding the jurisprudence (arbitration decisions) that has evolved from previous grievances will help you prepare your case. Unless your contract limits grievances to only items covered in the collective agreement, some grievances are outside the contract.

Violation of a federal or provincial law: Here you will have the option of filing a grievance or going to the appropriate government agency to get redress. Indeed, you may do both. For example, a decision by a worker to refuse work they consider unsafe is supported in some provinces by health and safety laws. Similarly, a complaint of racial or sexual harassment by management may be covered in some jurisdictions by a Human Rights Commission. In such cases, the steward should go through internal union channels, and a decision may be made to lodge a complaint with the appropriate government agency at the same time.

Most unions get around this by duplicating the provincial law in their collective agreements, using the language as the minimum base and expanding and strengthening it in negotiations. Some unions specify and define the violation of provincial laws as grievances in their collective agreements.

Violation of a past practice in the workplace: This can be the basis for a grievance, particularly in areas where the contract is silent or unclear. Where a past practice has been violated by management, an employee may have a real grievance. But to be considered as a past practice, the circumstances must have been:

- Repeated over an extended period of time;

- Accepted explicitly or implicitly by both workers and management, e.g. by verbal agreement or in writing, without either side formally objecting; or

- While violating the contract, neither side has demanded that this part of the contract be enforced.

A claim of past practice cannot be relied upon unless the collective agreement contains a specific provision to that effect. The only relevance of past practice is to clarify (but not to alter) the collective agreement where it is ambiguous or unclear. In short, common practices in the workplace should be documented and agreed to in the contract so that there is no confusion over particular practices when grievances arise, and that we have a mechanism in place to fight any disputes arising under past practice.

One example of this is the following clause: "The rights, benefits, privileges and working conditions which members of the union now enjoy will continue in effect insofar as they are consistent with the terms of this agreement."

Violation of employees' rights: Like the past practice, the union must have a clear-cut, well-documented case. These kinds of grievances arise when management treats workers unfairly or unequally. These grievances are hard to fight and win so the local union should try to ensure that any problems concerning employees' rights are safeguarded in writing – in the collective agreement.

When a worker comes to you with a complaint, the first thing to do is get the facts. Listen to their story. Ask yourself: does it violate the contract? The law? A past practice? Their rights? If the answer is yes, chances are the complaint you have is a legitimate grievance.

Whether the complaint is a legitimate grievance or not, the employee is concerned enough to come to you with a problem. This concern demands action on your part to clarify or correct the situation. If you answered "no" to whether the problem violated the collective agreement, past practice, a law or the employee's rights, then you have a complaint rather than a grievance.

Complaints must be dealt with. If an employee alleges there has been a violation of the collective agreement, explain why it is not. A worker may think they have a grievance because they don't understand the contract. They may claim that they are entitled to vacation pay, for example, when a careful reading of the contract shows that they haven't enough service to qualify. Remember that a grievance is a complaint against management. So, it's not a grievance if two workers have a purely personal disagreement. If Jane and Bob can't agree whether the window should be open or shut, that's not a grievance.

### **The exception to this rule is harassment**

Harassment is an expression of perceived power and superiority by the harasser over another person or group, usually for reasons of sex, race, ethnicity, age, sexual orientation, disability, family or marital status, social or economic class, political or religious affiliation, or language.

Harassment is unwelcome, unwanted and uninvited. It may be expressed verbally or physically; it is usually coercive, and it can occur as a single incident or on a repeated basis. It comprises actions, attitudes, language or gestures which the harasser knows or reasonably ought to know are abusive, unwelcome and wrong.

Racial harassment includes unwanted comments, racist statements, slurs, jokes, racist graffiti and literature, including articles, pictures and posters.

Sexual harassment is a particularly vicious form of harassment and is almost always directed at women. Included are remarks, jokes, innuendo and taunts of a sexual nature, insulting nature, insulting gestures and practical jokes of a sexual nature, the display of pornographic material, leering, demands for sexual favours, unnecessary physical conduct and physical assault.

In this case, your first step should be to try to correct the behaviour by talking to the harasser; but if the behaviour persists, more serious action must be taken. Most collective agreements contain a "no discrimination" clause which guarantees that management provide a workplace free of all discrimination, coercion or harassment for all employees. If this is the case, then you would grieve management for allowing this harassment to take place. Even if your collective agreement does not include this type of clause, the chances are that there is a clause guaranteeing a "safe workplace," which may also be used. You should talk to your local officers about including a "no discrimination" clause in the next round of negotiations, if it is not already there.

**Remember, harassment is illegal and your first duty is to the person who is being harassed to ensure that the harassment is stopped. For further explanation, see the section on harassment.**

Where the complaint of an employee is not one of harassment yet is an issue causing a lot of distress, it may be possible to solve it through informal discussion with the union and the employer, even though it is not a violation of the agreement.

This is a time for tact and diplomacy. The employees are concerned and if you tell them there is nothing that can be done, they are bound to be disappointed and frustrated. If you give people the brush off, they will lose faith in the union. These are the people who will be saying that the union is no good.

If you have a borderline case between complaint and grievance, give the employee the benefit of the doubt. Say you are not sure about it and then ask for help from the Chief Steward or the grievance committee. When you have discussed the matter with them, go back to the member and report on your discussion. It is important to keep the member informed at all times. Don't go out on a limb promising action when you are not sure. Rash promises often boomerang, labelling the steward unreliable.

## **TYPES OF GRIEVANCES**

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

### **Individual Grievance**

An individual grievance is a complaint that an action by management has violated the rights of an individual as set out in the collective agreement, law or some unfair practice. Examples of this type of grievance include: [discipline](#), demotion, harassment, classification disputes, denial of benefits, etc. The steward should file the grievance, not the employee on their own, as it is in the interest of everyone in the union that the grievance is handled properly. When an individual's rights have been violated and that person refuses to file a grievance, you should file the grievance on behalf of the union – especially if the contract specifically permits it. In this way, you will defend the collective agreement and protect the rights of all employees covered by it. Management's argument that you cannot file an individual grievance on behalf of the union is false.

### **Group Grievance**

A group grievance is a complaint by a group of individuals, for example, a department or a shift, that has been affected the same way and at the same time by an action taken by management. An example of a group grievance would be where the employer refuses to pay a shift premium to the employees who work an afternoon shift when the contract entitles them to it. Clearly, they should grieve the matter as a group rather than proceeding by way of individual grievances. If the grievance is asking for monetary compensation, make sure that all those involved sign the grievance. Arbitrators have been known to “award” the grievance yet only give compensation to those who have signed.

### **Policy Grievance**

A policy grievance is a complaint by the union that an action of management (or its failure or refusal to act) is a violation of the agreement that could affect all who are covered by the agreement.

Group grievances can be treated as policy grievances, but strictly speaking they should be considered separately. A policy grievance normally relates to the interpretation of the contract rather than the complaint of an individual.

However, a policy grievance may arise out of circumstances that could also prompt an individual grievance, insofar as the union claims the action taken by management implies an interpretation of the collective agreement that will work to the detriment of all employees. For example, management assigns a steady day-shift employee to work on an off-shift without regard to seniority. The union might grieve in an effort to establish that seniority must be considered in such an assignment, even though the individual involved might have no complaints against the shift change.

The point is that the outcome or the precedence of the grievance may have a detrimental effect on the local union at some point in the future and the union

must change it. Normally you would not deal directly with this type of grievance other than to provide the necessary investigation. Policy grievances are normally filed by the local or national levels.

### **Union Grievance**

A union grievance may involve a dispute arising directly between the parties to the collective agreement. For example, the union would grieve on its own behalf if the management failed to deduct union dues as specified by the collective agreement. In these cases, the union grievance is one in which the union considers its rights to have been violated and not just the rights of individuals in the local union.

## **INVESTIGATING THE GRIEVANCE**

Settling grievances is one of the steward's most important jobs. If you are a new steward, it may look hard to do. Actually, it really isn't that difficult. A little common sense, courage to stand up for what's right, and a few rules will assist you.

When a worker comes to you with a complaint, the first thing to do is to get the facts. Only then can you decide whether it's a grievance or not.

The first place to look for facts is from the workers. Listen to their story patiently, then ask them specific questions. Remember the "6 Ws":

- Who
- What
- When
- Where
- Why and
- Want

Don't be satisfied with glib statements like "The supervisor's picking on me" or "They're giving us too much work."

Sometimes workers take it for granted that you understand their jobs and forget to give you vital facts. Sometimes they "skip" the part of the story that might weaken their case. If you are to rectify their complaint, you must ask the questions that will give you all the necessary information.

Most workers, when they approach you, assume you know more about what is going on at work than they do. This assumption is based on the fact that they regard you as a leader and as someone who takes an interest in what is happening at work. In fact, you may receive the odd surprise visit from the supervisor who is trying to find something out and thinks you may be privy to certain information.

Most workers also assume that you know their work routine. You should make it a point to find how they work, what machines or equipment they work with and how they operate. This knowledge would assist you greatly in any grievance hearing.

Once you have heard what the worker has to say, you've got some of the facts. But you have to check further. If your union has fact sheets for investigation, use them.

Investigate promptly. Have grievors write down the full story themselves, giving names, dates and places. Advise grievors to use actual quotes in relating things they have heard or were told. The actual words may be important. Have the grievor sign and date the statement. It will be useful for refreshing the memory before any hearing.

Remember, if your agreement requires that you ask permission of the supervisor to leave your job in order to investigate a grievance, do so! It is your duty to uphold the agreement. Flouting your supervisor's authority is not going to help you win grievances.

Collect statements from all available witnesses. If you can, get statements in the employee's own hand writing, and make sure they are signed and dated. Or, write out the statement yourself and have the witness sign it.

Interview not only those witnesses who support the grievor but also those who don't. You will need to do this in order to find out what really happened. You also need to know what you are up against. It is also helpful in the event a witness testifying for the employer should change their story at the hearing, this may be established and the witness's testimony undermined.

The information obtained in these statements can be used to test the grievor's version against the version of others and is also useful in attempts to settle a grievance with management. The statements can later be used to advantage at an arbitration hearing in order to refresh a witness' memory if they testify for the grievor or to undermine a witness' testimony who testifies against the grievor and changes or embellishes earlier statements.

Perhaps you ought to look at the machine and the job. Sometimes you'll want to talk to other workers – even those on other shifts – to find out if they have the same trouble. Check with other stewards, and the union grievance file as well, since this type of grievance may have already been settled in another department. If the grievance involves seniority, check the seniority list. Review the contract. What does it say?

A grievance is like a detective story – you must sift through all the evidence “before you know” who did what. It is very important to treat every investigation and every grievance as if it was going to arbitration. If it ever does, you'll be prepared!

Once you have completed your investigation, you should make a written record to ensure that key points are not forgotten or distorted when passed from one person to another.

It might help to draw a diagram, as clear as possible, showing where people were standing at the time of the incident – your members, any management personnel, and the grievor. This will help you to establish how much each of the witnesses could have heard or seen at the time and also will help to prove the validity of the witnesses' statements at the time of arbitration.

Remember that several months may elapse between the events giving rise to a grievance and its final settlement at arbitration. Several people will also be involved in assisting the grievor's presentation of a case, each with a slightly different point of view. Therefore, it is only by committing the basic facts to writing – at an early stage – that you can guarantee that all the necessary information will be properly presented at the final arbitration stage.

Even if the matter is not taken to arbitration, a statement of the facts may be useful when preparing demands for subsequent negotiations. The written record may enable you to justify a new clause in a collective agreement to resolve a problem that could not be adequately handled through a grievance procedure at the time it first arose.

One test to ensure that you have done a thorough investigation is to check your six Ws. These are the FACTS and should be included in your written records and fact sheets.

1. Who is involved in the grievance? Name(s), address, telephone numbers, work location, department, date of appointment, Social Insurance Number, classification, the grievor's record – including absentee record, production record, disciplinary record and lateness record, age, family status, name of supervisor involved, supervisor's position and witnesses.
2. When did the grievance occur? Date and time.
3. Where did the grievance occur? Exact location, department, machine, aisle, etc.
4. Why is this a grievance? What has been violated? The contract? Past practice? A law? Personal rights? This "W" directs your attention to that specific something that has been violated.
5. What happened that caused the violation? What is involved? What is management's contention?
6. What do you want? What adjustments are necessary to completely correct the injustice? To place the aggrieved in the same position they would have been in had the grievance not occurred? Ask for full redress.

Review your material. Do you have all the facts? Check the facts with the contract, supplementary agreements, precedents or past practice, policies or department rules and arbitration awards. Seek out more experienced stewards and local union officers if you need help.

## **WRITING THE GRIEVANCE**

Proper writing of grievances is very important and may determine whether a grievance is won or lost.

There is a difference in writing a grievance for presentation to the employer and writing an investigative fact sheet for the union's record. The official grievance should contain only facts and a statement of claim. The fact sheet or investigation should contain a detailed history of the case. The fact sheet gives your union the information it needs to successfully argue the case at the higher levels – without letting the employer know ahead of time what the argument will be. The fact sheet is a written record that enables the union to recall important facts months later should a case reach arbitration.

When writing the grievance, one should keep in mind that mentioning a section of the agreement which has been violated may not be desirable. The issue may be too involved to rely on a specific contract clause or may involve another document or regulation. If the grievance reaches the arbitration level it may not be advantageous to have a narrowly worded grievance.

If you specify the clause of the collective agreement in dispute, always include the phrase “and/or any other clause in the collective agreement which may be applicable.” It is more effective to write only the bare minimum of details in the written grievance, saving the rest of the information for oral discussion with the employer. Why? It gives the union more flexibility in arguing the grievance. And the union's case is much stronger if it is kept under wraps until the right moment.

Why disclose the union's position before you have to? The employer will have the time to sit down and think up the best way of defeating your approach with a stronger counter-argument. So, as the saying goes, “Don't spill the beans.” Hold back the supporting information – the additional facts and arguments that back you up – until the time is ripe.

Don't forget the grievor's request for redress – what is it that the grievor wants? Write the phrase “full redress” on the grievance form, which should cover all aspects of the grievor's claim. A grievance might be written like the following:

*Statement of Grievance:* The union is grieving because the actions of management violate Article 10.01 and/or any other clause in the collective agreement which may be applicable.

*Settlement Required: Full redress:* When writing your grievance take the time to be organized. You may want to write it in rough and then recopy it. A grievance presented neatly and clearly will have more impact. Ensure you have enough copies for distribution. In most cases you will need a copy for the employer, a copy for the union, a copy for the employee and a copy for yourself.

As steward, you may be confronted with a variety of circumstances in which a worker will not sign a grievance. Why? In most cases the workers will have certain fears about their jobs or they don't want to upset their supervisor, or cause trouble. You can't disregard the situation and say, “It's your funeral”. Your

job as steward is to safeguard and uphold the contract – to make sure that it is being enforced. If you allow a bad practice to continue, it can eventually be considered a past practice and, therefore, damaging to the contract. Thus, piece by piece, the contract will be weakened.

This means that you must take up the grievance, even if the worker involved doesn't want to. All grievances won't automatically come to you; on the contrary, you must constantly look for grievances yourself.

There are going to be times when you have a grievance on your hands but, for one reason or another, there is no signature on the grievance, or the worker wants to drop his/her complaints. What do you do? While it would be ideal if all workers signed their grievances, you should not refuse to handle a grievance if it isn't signed. Instead you should investigate it as you normally would do with any other grievance. If you find it justified, sign it yourself, or get the grievance committee or union executive to sign it.

You can do this under your authority as a steward. It is an effective method, as it gets around the workers' fear of signing or pulling their grievance. But it may place a heavy responsibility on you as a working employee. The employer may try to pressure you into withdrawing the complaint.

An even better solution may be to present the written grievance as authorized by the local through an authorized membership meeting. In this manner, the steward, or president, or secretary of the grievance committee can sign it "authorized by the Local above the signature."

When the grievance is filed in this manner, it comes from the large, impersonal union and the employer cannot put pressure on either you or your member. If you press a grievance that a worker won't sign or wants to drop, your decision to carry it should be based on one dominant factor – what is best for all the membership!

## **SOME REMINDERS**

- The grievance should state the nature of the complaint, allege that the employer's action is contrary to the specific agreement and set out the specific relief in full.
- Remember that, generally speaking, employees should be advised to "obey orders now and grieve later" unless the order is illegal, unhealthy or unsafe.
- Stay within the time limits when processing grievances. But, if you do breach the time limits by mistake, don't just abandon the grievance. You may be able to overcome the employer's objection to timeliness upon a number of legal grounds. The employer should advise the union and the grievor at the time the grievance is presented if they object. If the employer receives the grievance and processes it without stating a position that the time limits have been breached, an arbitrator would likely deem the employer has waived their right to object. If time limits have been breached and the employer specifically refuses to accept the grievance for this reason, it does not mean that the grievance is

automatically lost. The grievor still has the right to request that the case proceed to arbitration at which time the arbitrator would make a determination as to whether or not the board had jurisdiction in view of the late filing of the grievance. If you seek an extension of time limits from management, get their agreement in writing. Should management fail to comply with the time limits, move the grievance to the next step.

- Investigate promptly. People forget.
- Get the grievor's statement in full. Have it signed and dated. Get the grievor's full employment history and disciplinary record.
- Gather all available documents, e.g. letters, doctor's certificates, etc.
- Ask the grievor if there are other reasons for management's actions other than what management has stated.
- Make notes of meetings with management and write down their response. Sign and date these notes and pass them to the union representative who will be at the arbitration hearing.
- If you are going to withdraw a grievance, do so "without prejudice." You may indicate that you disapprove of the employer's action but, for example, don't wish to pursue the grievance because the grievor has quit and moved away.
- Remember that unions have a duty to represent employees in good faith. You do not have to carry every grievance to arbitration but you must make that judgment to carry a grievance or not in good faith. You cannot ignore the grievance or drop it for discriminatory or arbitrary reasons.
- The written grievance should be no more than a clear short statement of the main facts and the claim.

The union steward has the dual status of having the duties and responsibilities to the members as a union representative and the duties and responsibilities to the employer as an employee.

Stewards must be free to express themselves vigorously and indeed militantly if the employees are to have adequate representation. But stewards have an overriding responsibility to maintain this agreement, and [discipline](#) may be in order if this responsibility is disregarded.

Essentially the rule is one of reasonableness. The steward has the right to do their job properly without fear of retaliation but there are some limits on their behaviour. The steward cannot, for example, counsel employees to disobey management orders to do something recognized as being outside the sphere of proper activity for this position.

Keep in mind the grievance will be used by the union to build a case for the grievor. The confidentiality of this investigation cannot be stressed enough. In the grievance meetings, management will receive a copy of the written grievance form and whatever oral arguments are necessary to prove the union's case. Background information in the grievance report is to be used in the preparation of

oral arguments by the union. In many cases, it could be detrimental to the grievance if all the information contained in the report were to be made known to management.

Grievances are often like court cases. One only admits what one has to admit. Sometimes certain questions are better left unasked when in management's presence. If a grievor is being disciplined for having been caught sleeping on the job by a supervisor, it would not be helpful to their case if the union were to inform management that the grievor often sleeps on the job and this is the first time they were caught.

## **THE GRIEVANCE PROCEDURE**

Every contract contains a section called the grievance procedure. Read it and study it. Grievances can be lost by not following the correct procedure and by not observing time limits.

A typical grievance procedure might have four steps. Underlying this procedure is the belief that those closest to the dispute, both on behalf of the union and of management, should first try to reach a settlement. If they are unsuccessful, then representatives with more authority from both sides are brought in as the grievance progresses through the steps, ending in arbitration.

There are advantages to settling the grievance at the lowest step possible. For the steward, settling a grievance at the first stage will add to your reputation and authority with the members and your supervisor. The higher up you go in the grievance procedure, the harder it will be to settle the grievance because each side will have more to lose. Management does not like to have to overrule their personnel and will stand behind them. This could lead to a time-consuming and expensive fight in arbitration.

Within the grievance procedure outlined in your contract, there are steps which must be followed. These steps will tell you which level of management is to be approached at each step, the time you have to submit the grievance and appeal to the next stage where necessary.

The steward must be familiar with the time limitations set out and must observe these limitations. In some cases there is a time limitation on the life expectancy of the grievance. The contract may read something like, "In order to be eligible under the grievance procedure, a grievance must be filed within 30 days of the time when the incident occurred." Or it might read, "In order to be eligible for the grievance procedure, a grievance must be filed within 30 working days of the time the employee first became aware of the incident." There is a distinction.

Each step of the grievance procedure will likely have a time limitation. Management has a stated period of time within which it must give a reply to the union; the union has a stated period of time within which it must announce any intention to appeal the grievance. Remember that if management fails to comply with the time limits, move the grievance to the next step.

Sometimes, however, you will find that either the union or management may raise a point during a grievance hearing that requires further investigation and may make it difficult to reply or proceed to the next stage within the time limits. In this case, either party may request an extension or waiver of the time limits, subject to the other party's agreement, always in writing.

## **ARBITRATION**

The final step in the grievance procedure is arbitration.

Arbitration is the final appeal and is a hearing before an impartial third party chosen by the mutual consent of union and management. If the union and management cannot agree, there is provision for the provincial, territorial or federal Minister of Labour to make the appointment.

Some contracts provide for a single arbitrator, usually named in the collective agreement. The single arbitrator hears the case and then writes the decision which is binding on both sides.

Other contracts provide for an Arbitration Board made up of one nominee from the union and one nominee from management. Following consultation, the union and management nominees choose a mutually acceptable chairperson or, failing that, an arbitrator appointed by the Minister of Labour. In this instance, it is the three-person board which will hear the case, with the chairperson retiring to write the decision. The decision of the chairperson is submitted to the board members who will sign in agreement or submit a written dissension. The majority decision of the board is binding on both parties.

The arbitrator or board only has authority to interpret the agreement as written. They are not allowed to amend, alter, add to, or take away any provisions contained within the agreement.

The arbitrator or board is also restricted to dealing with the grievance as presented. For this reason, many unions require the previously mentioned general statements of the grievance on the grievance forms so they are not restricted to a single clause or section of the agreement at a later date causing them to restrict the scope of their case.

## **CONTRACT INTERPRETATION**

A clause in a contract can be interpreted in different ways, so it's always a good idea to consult your union representative or local union officers.

The following guidelines are not firm rules for interpreting a contract; rather, they summarize the most common methods by which interpretations are usually arrived at. There will always be exceptions to these, but most of the time they will help you correctly decide whether you have a grievance under the contract.

### 1. What was the intent of the parties who wrote the agreement?

While this is the most important factor in interpreting a contract, it is sometimes difficult to ascertain in labour agreements.

For example, a contract may say that holiday pay will be allowed to all employees who work the day before the holiday. What if management closes the workplace the day before each holiday so that no one could ever receive holiday pay? An arbitrator might rule that the intent of the people who wrote the contract was that eligible employees should get holiday pay and that, therefore, the management was violating the contract by preventing them from qualifying.

### 2. The contract should be interpreted as a whole.

One part may support your position; another part may deny it. You cannot pick out the part that supports you and ignore the rest. Your interpretation must be reconciled to the other provisions of the contract, and it must be consistent with them.

### 3. If the wording of the contract is clear and definite, it will generally prevail.

If the contract specifies that workers will receive two hours for an emergency call, even though they had received three hours for a number of years, an arbitrator would be forced to uphold the wording of the contract, not the practice.

### 4. If the wording of the contract is vague and indefinite, the interpretation of the parties and their practices will carry considerable weight.

The contract may say that an employee receiving an emergency call will be paid extra – without saying how much extra. For the past five years, workers have been paid three hours for this work. It may be assumed that both parties to the agreement recognized that three hours was the proper pay in this instance. Past practice will be considered by an arbitrator only to resolve an ambiguity in the agreement.

### 5. Decisions made in similar cases in the past affect decisions in present cases, particularly if the same parties were involved.

Arbitrators are not bound by precedent, but decisions of other arbitrators carry considerable weight. If the previous settlement was wrong or made in error, then you should show how the error was made.

### 6. Express (written) provisions imply the exclusion of everything not mentioned.

For example, if the contract states that paid holidays will be given on New Year's Day, Labour Day, Thanksgiving and Christmas, it implies that paid holidays will not be given on other days, such as Victoria Day or Boxing Day.

7. Implied (unwritten) provisions may exist if they are consistent with the express (written) provisions.

For example, one part of the contract may provide for rest and lunch periods during the regular shift; another part may provide for emergency workers but makes no mention on rest or lunch periods. The implication of both express provisions, interpreted together, is that the emergency workers should have the same allowance.

8. When both general and special provisions concern the same thing, the special provisions will generally prevail.

If one rule says all employees who drive company cars to the work location get one hour allowance, and another rule says that employees who drive company cars to the work site and are permitted to take them home get half an hour allowance, the special rule about cars taken home gets priority over the general rule about company cars.

9. A reasonable interpretation will prevail over one that is unreasonable or absurd.

For example, if you can show that under the management's interpretation of the holiday rule no men would be eligible for some holidays, while under your interpretation most men would be eligible under most occasions – your position would be upheld.

### **A Note on Management's Rights**

Management generally adheres rigidly to the position that residual or reserved powers are a management right unless its right has been limited by some specific provision of the collective agreement. While some arbitrators have spoken in terms of a specific contractual provision as being necessary in order to limit management's rights, other arbitrators have taken the view that limitations upon [management rights](#) are not necessarily restricted to those contained in some specific provision of the agreement. They may be "implied obligations" or "implied limitations" under some general provision of the agreement such as the recognition clause, or seniority provisions.

Arbitrators also tend to modify the residual rights theory by imposing a standard of reasonableness as an implied term of the agreement. Certainly, many arbitrators are reluctant to uphold arbitrary, capricious or bad faith managerial actions which adversely affect bargaining unit employees. It should also be noted that even where the agreement expressly states a right in management, or gives it discretion as to a matter, management's action must not be arbitrary, capricious or in bad faith.

## **PRESENTING THE GRIEVANCE**

In presenting your grievance, remember, if you don't have facts to back your case, you don't have a case. Plan your approach carefully, be decisive about the most important points, and think through how you will present them to the supervisor. Have available any records which will help you from forgetting any point you plan to make

You are of equal status when you and your supervisor meet to discuss a grievance. You are the union representative and the supervisor is the management representative.

In some contracts the first stage of the grievance procedure is a verbal presentation involving the steward, the grievor and the supervisor. The grievance is only presented in writing if settlement is not reached at the verbal stage, or if either party considers it necessary. Remember, however, when proceeding to the second stage, the written grievance must be submitted within the time limitations set out in your agreement for the first stage.

Even if settlement is reached verbally, however, it is still important for the steward to keep a record of the grievance for union files – it might prove useful should the same or similar situation arise once more. This is handy information for the committee in negotiations.

In some contracts, the first stage of the grievance procedure might require formal presentation of a written grievance when you, the grievor, and the supervisor meet.

Read your contract carefully.

Before approaching the supervisor, determine the extent of their authority. Don't be surprised, however, if the immediate supervisor and yourself cannot achieve a mutual settlement to the problem. In the past, the supervisor was the authority, made the decisions and ran the department. A great many grievances were settled at this level. The relationship between a supervisor and a steward usually worked well – as long as both steward and supervisor had the authority to settle grievances.

Over a period of time, a supervisor's authority has been taken away. The supervisor is still the employer's important on-the-spot representative, but in actual practice they generally have little or no authority in handling grievances.

Quite often, a steward will approach a supervisor with a complaint and the supervisor will shrug and point upstairs. What that supervisor means is, "There's no use talking to me. I can't do a thing about it anyway. Take it upstairs."

What happened to the supervisor's authority?

The employer's Industrial Relations or Human Resources department took it away from them.

Why? Because, as the stewards gained more experience – learned the contract and developed their own tricks of the trade – they became good at winning grievances and winning the loyalty of the membership. Their job was to make sure that the worker received all the rights specified in the contract, but some stewards reached a point where they gained more than the contract intended the workers to have.

Since the supervisor couldn't hold the line against this type of super-efficient steward, Industrial Relations personnel stepped in and took matters into its own hands.

If you face this kind of situation, how can you resolve issues that should be settled legitimately at the first step? If the Human Resources Department has a formal policy that says supervisors can't settle grievances, what can you do?

You can set up an informal relationship with the supervisor that allows you to settle grievances without management knowing about them, yet without bypassing the contract.

Why should the supervisor cooperate with you in this way? Because a supervisor's job is to see that work goes as scheduled. And this informal arrangement will create a good working relationship with the workers – a relationship that results in high morale. Tell the supervisor that their biggest concern is keeping management happy – and the best way to keep management happy is by getting top production out of their department. Tell them that when grievances are settled fairly and quickly the department will have high morale and be productive. But when grievances drag on and on, going up to higher levels, workers will be unhappy and therefore unproductive. As well, a high number of grievances often put supervisors on the spot by highlighting a problem in the organization. Most supervisors don't want that kind of publicity.

Try to settle the grievance as soon as possible. If there is a time limitation on grievances don't be afraid to invoke it. If none exist, keep after the supervisor or file a grievance charging the supervisor with stalling. If you ask to have the settlement applied retroactively to the date the grievance was presented, this will reduce any tendency on the part of management to stall.

Anticipate the employer's objections. Try to figure out ahead of time how the supervisor will answer your complaint and be prepared to give the right answers to any objections. The supervisor may have information about the grievance that you don't have, no matter how carefully you collected the facts. Ask calmly about why this grievance happened. Then listen to the answer. Even when you don't agree with their point of view, it is good psychology to let them talk and get it off their chest.

1. Know your facts – be confident. Facts determine the outcome of a grievance; the presentation of the grievance rarely wins alone. Present your facts forcefully but not militantly. Be accurate and do not exaggerate.

2. Take a positive approach. Don't be timid or convey the feeling to the supervisor that you are presenting the grievance because it is obligatory on your part. Remember the duty of fair representation.

3. Throw the burden of proof on the management. The most effective method of bargaining is to let the supervisor try to justify and prove the action management has taken is correct. Don't try to show them where they are all wrong from the very outset. Let them carry the burden of proof. The supervisor may have information about a grievance that you don't have. Note, however, it is not wise to place supervisors in a position whereby they cannot retreat without a great deal of embarrassment. Leave the door open, that is, afford them a way out without embarrassment, if possible. Be clear in your own mind who will bear the burden of proof – in other cases, the union does.

4. Stick to the point. Always bear in mind that settling a grievance at the first step is the most desirable and advantageous outcome for all concerned. Avoid threats, insults, bluffs or unreasonable statements. Control your temper even if the supervisor does not. The steward has a right to expect decent treatment from the supervisor, but if you don't get it, do not hesitate to talk back.

5. Maintain a united position. When taking an aggrieved employee with you, make sure that you are both in accord on the issues and the facts. Take the grievor along whenever possible. It's a good education process for the worker. If you can't take the grievor, try to take another steward or local officer. This prevents any mistrust and establishes confidence in the steward. In addition, you can check the supervisor's story with the grievor.

Before taking the grievor with you, size up the situation. This decision rests with the steward.

Some situations warrant you going in alone; use your discretion. An excitable type of person might antagonize the situation and lose the complaint. Somebody who might be seen as more timid may cave in. Be sure to brief the grievor before going in to a meeting. As steward you "carry the ball". That's your job. Call upon the grievor for only factual data that only they can provide since they were directly involved.

Never get into an argument with the grievor or another union representative in the presence of management. Ask for a brief recess from the meeting, if necessary, to resolve a disagreement or misunderstanding.

6. Settle the grievance on the spot whenever possible. Your ability to settle grievances at your level is largely dependent upon your "know-how" of how to get along with the supervisor and the relations you have established between yourselves. Press for a settlement whenever you can, and it is desirable to do so. If you are successful in getting a favourable decision at the first stage, you should not rub it in as it is wise to remain on good terms with the supervisor. This can make the next grievance proceedings easier. It should be borne in mind that such meetings are part of the on-going collective bargaining relationship. Avoid

creating tensions which may have a more lasting impact on the relationship than the minor victory of scoring a point over someone else.

7. Disagree with dignity. Declare your intention of pursuing the grievance to a satisfactory settlement. Supervisors as a rule do not like to be exposed to their higher-ups when this concerns their ability to maintain good relations with the union. This, however, is not always the case. Your ability to study and know how to handle your supervisor is a very important factor at this stage of the game – use it to your advantage. Regardless of what the disposition is, report back to the people in the department; they want to know. Keep them informed of all your cases and their dispositions.

8. The supervisor might want to trade. If the supervisor wants to trade grievances – where you take one and they take one – consider the matter very carefully before making a decision. Your first instincts should be to say, “No.” There is a certain strategy involved in grievance processing and often posturing on both sides. Sometimes a grievance may be filed to force discussion on the matter and you may have no intention of taking the matter to arbitration. If management wants you to forego a particular grievance in favour of one that is important for your members to win, your local might consider trading. Consult your staff representative when in doubt; you might be able to solve some of your more serious items by giving up a “losing” or frivolous grievance. Remember, however, to safeguard the rights of your members. Each grievance stands on the merits and justice of its case.

Also remember, failing to represent all employees in the bargaining unit by trading away grievances (or not acting upon them) could result in charges being laid against the union under the law. Taking up grievances and representing the members is not only a union function but a legal requirement.

9. Be strategic with your presentation of the grievance. When writing up the grievance it is wise to keep the written grievance brief and to the point. Under the “want” section or the section dealing with remedy, we recommend that you be more precise and more detailed in seeking full redress. Why? It gives the union more flexibility in arguing the grievance.

There’s a second reason to be brief and focused, and sometimes it’s more important than the first. The union is in a stronger position if it keeps its case under wraps until the right moment. If the union discloses its plan before it has to, this simply gives management more time to analyze the union’s position and come up with a strong counter-argument.

At the first step of the grievance procedure, the union may know that the supervisor cannot settle the case. Even before you file the grievance, you know it will be going up to the second step. If you disclose all the facts to the supervisor at the first step, all you may be doing is giving management advance notice of the union's strategy for the Stage Two meeting.

This technique of withholding information is not confined to the first step. It can also be used at the second step, or even higher, if management representatives

at these levels are not authorized to settle the particular type of grievance at hand. Either or both sides may be reluctant to disclose certain facts of which they have knowledge and which they intend to use as evidence at an arbitration hearing. On the other hand, of course, there may be grievances which can be settled at the first step. In that event, argue the case at the first step.

Analyze the situation. Supporting information should not be revealed until the grievance reaches a management representative whom the union thinks can settle the case. Don't play your hand too early. You want to discover the employer's case against the grievor, not reveal your strengths and weaknesses.

However, if the supervisor does not have the authority to settle the grievance, do not bypass Stage One in favour of Stage Two. If the grievance ends up at arbitration, management can easily claim it should be dismissed because the correct procedure was not followed.

10. Don't allow workers to take up their own grievances. Workers are at a disadvantage when they handle their own grievances, for several reasons:

- a) They are amateurs at handling grievances, while the supervisor is more experienced. They don't have the experience you do; they don't know how to handle the supervisor; and they don't know the proper procedures to follow.
- b) Since the grievance is very important to the worker, he or she might be more likely to use an emotional approach rather than a logical, well-reasoned argument.
- c) Workers do not have the protection of being a union representative like you do. They are simply employees of the employer and thus are subject to pressure from management. Management may hint that the workers may be in trouble unless they drop the grievances.
- d) Management may counter the grievance by bringing up some unfavourable fact about the worker, although it has nothing to do with the grievance. Not realizing that it is beside the point, the worker might agree to drop the grievance.

If management rejects the grievance, and then the worker comes to you and asks you to try, you are at a disadvantage for two reasons:

- a) You can't start from scratch and build what you feel will be the best argument. Instead, you must pick up the pieces of the worker's broken grievance, try to patch it up, and go back with the same argument that was already rejected.
- b) It is harder to get management to reverse itself. They have already said no. It's like arguing with a baseball umpire; once the umpire calls you out, you're out – and an umpire is not going to change a decision, no matter what you say.

Obviously, then, it weakens the grievance procedure when workers handle their own complaints. This is why many employers encourage employees to go directly to the supervisor with a complaint – ignoring the steward. Management benefits when the procedure and the steward are weakened.

To start the ball rolling, management may give a favourable settlement to the first worker who brings a grievance to the supervisor if it is a matter of managerial discretion. In effect, management is hinting that if all workers handle their own complaints, the settlements will be in the workers' favour. But, of course, when other workers do bring in their own, the results are far from favourable. Most workers are simply not equipped to handle a grievance.

11. Take notes. Whenever you meet with management, take notes of what was said by all parties. This is most important during a grievance or disciplinary hearing. If the grievance cannot be settled and must go on to higher levels or even arbitration, and you have kept accurate notes of your meetings, you might be able to prove that management has changed their position or even omitted some facts that they made known to you. These facts could very well change the outcome of the grievance!

## **HARASSMENT**

*Recognizing and stopping the problem, restoring human rights and solidarity*

Harassment is an expression of perceived power and superiority by the harasser over another person or group, usually for reasons of sex, race, ethnicity, age, sexual orientation, disability, family or marital status, social or economic class, political or religious affiliation, or language.

Harassment is unwelcome, unwanted and uninvited; it may be expressed verbally or physically; it is usually coercive, and it can occur as a single incident or on a repeated basis. It comprises actions, attitudes, language or gestures which the harasser knows, or ought reasonably to know, are abusive, unwelcome and wrong.

Racial harassment includes unwanted comments, racist statements, slurs, jokes, racist graffiti and literature, including articles, pictures and posters.

Sexual harassment is a particularly vicious form of harassment and is almost always directed at women. It can include remarks, jokes, innuendo and taunts of a sexual nature, insulting gestures and practical jokes of a sexual nature, the display of pornographic material, leering, demands for sexual favours, unnecessary physical contact and physical assault.

As stated in the definition, harassment comes in many forms. Inappropriate jokes, gay or lesbian baiting, racism, pornographic pictures and touching are just a few of its ugly faces. Harassment can come from management or from co-workers. However it presents itself, its purpose and results are the same. Its purpose is the expression of the perceived power of one person over another. In the case of the boss, this element of perceived power is [job security](#). The person being harassed fears the loss of position or even employment if they don't endure the harassment. In the case of co-workers, the perceived power-play is not the same. The end result of such harassment can be exactly the same as that coming from the boss, however, since the person being harassed may find the situation so intolerable that they just leave.

Although, as unionists, we would like to believe that most cases of harassment are from management towards an employee, studies have shown that in fact significant harassment exists between co-workers. When this happens, it can create a hostile, intimidating and poisoned work environment in which tension and stress take a personal toll from both the person who is being harassed and those who either are aware of it or witness it. This is why harassment is an issue for the entire union. It affects the solidarity of union membership more than any other single problem. Because of this, it is the steward's role to stop harassment and then work to heal the divisions it causes. To do this, you must work very hard towards educating all of the membership as to what harassment is and communicating that it will not be tolerated.

**When a member complains of harassment:**

1. Take the complain seriously. Remember it takes a lot of courage to come forward with a complaint against either management or a co-worker. If you make light of the matter, the person who is being harassed, who already feels uncomfortable, unwelcome or unsafe, may think that the union condones the actions of the harasser. The person who is being harassed may then feel that the only recourse available is to turn to management for help if the harasser is another co-worker, or give up entirely if it is the boss doing the harassing.
2. Speak calmly. Try to alleviate some of the tension the member is feeling. You may point out that you know discussing the incident(s) is uncomfortable for them. Assure them that harassment is not a personal matter but rather a widespread work problem and that the union takes it very seriously.
3. Don't cross-examine the member. Avoid asking questions that make the person who is being harassed feel as though they are to blame. Still, encourage them to be as specific as possible when discussing all aspects of the situation – the who, what, when, where and how. Encourage the member to keep careful notes should the harassing behaviour re-occur, noting the time, place and description of what happened.
4. Assure the person who is being harassed that the union is fully behind them and that every thing possible will be done to stop this behaviour.
5. Ask the member what steps they would like taken. Do they want the harasser transferred to another department? Do they need time off work? Would they like to speak to a union counselor?

#### **When management is doing the harassing:**

This is probably the least complicated scenario for the [shop steward](#). After talking with the member who is being harassed, meet with your local officers and/or members of the harassment committee. Explain the facts and ask that they arrange a meeting with the superior of the supervisor who is doing the harassing. You should also request that someone from the committee accompany you to the meeting. The reason for this is two-fold: first, it provides you with a reliable witness to your meeting and secondly, it shows management right off the bat that the union takes these allegations very seriously and is strongly behind the person who is being harassed. Tell management that one of their supervisors is engaging in behaviour that could place the company in serious trouble. Harassment is illegal. Name the supervisor involved but do not name the member. Often, a member will suffer further abuse when a supervisor knows that a complaint has been lodged. Inform management that if the supervisor's behaviour doesn't change the union will be forced to file a grievance.

It must be noted, however, that although a human rights complaint can be filed (within six months of the incident), it is usually a very lengthy process before the person complaining would see any recourse. For this reason, a complaint should be filed along with a grievance instead of as an alternative to a grievance.

#### **When a co-worker does the harassing:**

This is always a difficult situation for any steward to deal with, since often the steward has built up good relationships with everyone in the workplace. Remember, your first obligation is to the one who is being harassed. This cuts across all lines of friendship. As a leader and union representative, all of your members must feel confident that they can come to you with their problems. If you receive a complaint, or if you see someone exhibiting abusive or harassing behaviour or actions, arrange to speak privately to the harasser. Be firm. Tell the member involved that that behaviour will not be tolerated. Explain that hurting someone else is not funny. Tell them also that if they continue harassing, they will be in serious trouble and that the union may not be able to defend them since harassment is illegal.

If there is no change in behaviour, you and the union must take further steps.

Most collective agreements contain a “no discrimination” clause, where management ensures that the workplace will be free of all forms of discrimination and harassment. It might read something like, “It is agreed that there shall be no discrimination, interference, restriction, coercion, harassment, intimidation or stronger disciplinary action exercised or practiced with respect to an employee by reason of age, race, creed, colour, national origin, political or religious affiliation, sex, sexual orientation or membership or activity in the union.”

If your collective agreement contains a clause like this, then you would grieve management for allowing this situation to occur. If you do not have this clause, then you probably have one where management “ensures a healthy and safe environment,” which can also be used. Press your union to include a “no discrimination” clause, however, in the next round of negotiations. The stronger language of this clause sends a very clear message to all parties (management and workers alike) that discrimination of any sort will not be tolerated.

If a grievance filed by the member who was harassed results in management disciplining the harasser, the union may elect to grieve on behalf of the harasser. This may occur where the discipline invoked by management is deemed excessive. Sometimes, however, the union may elect not to file a grievance on behalf of the harasser, especially if the harassment is of an extreme nature, if the harasser refuses counseling or is a repeat offender. Often, by defending the rights of a harasser, the union is actually compromising the rights of the member who was harassed.

### **How can we fight harassment?**

1. Be an example. Speak out against behaviour that makes another member feel uncomfortable. Be assertive in explaining that jokes and slurs based on someone's racial, sexual or physical/ mental differences are not funny, but rather hurtful. Don't be afraid to stop someone in the middle of a “joke” when it's apparent what direction it's taking. Just say, “Excuse me, I really don't appreciate jokes like that,” and change the topic. Soon you'll find that more members will feel comfortable enough to speak up and, gradually, behaviour on the work floor will change.

2. Educate your members. Ask your local to allow you to take part in a course on harassment and then share it with your members. Use the lunchroom as a forum to talk about the problem of harassment, how it hurts individuals and the union as a whole. Be clear on the union's position on harassment and make it known that anyone who feels they have a problem can speak to you in complete confidence.
3. The local union might organize cross-cultural training time for the members, where they can learn about the experiences of marginalized and equity-seeking groups, including people of colour, people who are gay, lesbian, bisexual, queer or transgendered, or those who have physical or mental disabilities.
4. Ask your local for help if you see that there is a problem in the department where you work. Every local and workplace should have people who are trained to recognize and stop harassment. Some locals have harassment committees whose responsibilities include the investigation of all complaints of harassment as well as the education of both the stewards and membership on issues of harassment. If this expertise is not available in your local, request that training be provided, since ignorance is absolutely no excuse for harassment. Being responsible for ensuring a safe and secure environment, free of harassment at work for everyone is a big challenge but by working together we can heal the wounds and divisions and build a strong and unified movement.

## **THE STEWARD-SUPERVISOR RELATIONSHIP**

A good working relationship between steward and supervisor makes their jobs easier for both of them. In union-management relationships, the supervisor (backed by management) and the steward (backed by the union) are equals – sharing responsibility for successful labour relations. However, there are many managements today that will try to carry this one step further by convincing you that monitoring and enforcing the collective agreement too closely is counterproductive to the success and profitability of the business. You must make it absolutely clear to these managements that independent, autonomous unions and grievance systems are not to be replaced by management cooperative schemes that bypass workers' rights in collective agreements.

The two of you will have to discuss and settle many knotty problems. A friendly but business-like relationship right from the start will help a lot. But remember, your first aim in every grievance negotiating session is to win justice for your fellow workers whose rights have been violated. Here are a few tips:

1. Some supervisors will try to sidetrack you by leading the discussion off the main issue. For example, on a grievance involving a worker who has been absent several times, the supervisor may try to draw you into a discussion about the problem of absenteeism in the department. Or when you are asking for a rate increase for a female employee, the supervisor may raise the question as to whether women should work outside the home.

It's best to let the supervisors talk themselves out and not to be led off the real issue. When they have finished, bring them back to the main points of the grievance. By knowing when to listen and when to talk, you can keep the discussion on the right track.

Some stewards talk themselves right out of a chance to win their case. If you're a good listener, you have the right to demand that management hear you out without constant interruption when it's your time to talk.

2. Try to get the supervisor to give you an answer on a grievance right away. This may not always be possible. They usually want to think it over. They may have to check with higher management. Delay may be justified – or it may be just a stall tactic.

3. If the supervisor won't decide right away, you should try to set a definite time for an answer. Tell them you'll see them "tomorrow morning," or within the time limit in the grievance procedure, for a reply. If you fail to get an answer at the time arranged or the supervisor continues evading a definite answer, then take it on to the next step in the grievance procedure.

Remember that if management fails to reply within the time limit, and you then fail to advance the grievance to the next stage without any agreement to delay as outlined above, you may then forfeit the right to take the grievance to arbitration. Management can claim that you have failed to adhere to the time limits, even though under the circumstances it was management that was tardy.

4. Evaluate management's reply. The steward must be sure to discuss each reply from management with the grievor, the chief steward or the unit steward and the union staff representative. Together they will try to achieve some consensus on whether or not the reply is satisfactory or whether the merits justify proceeding to the next stage.

Frequently, management will give its reply directly to the grievor, rather than to the steward. In this case, as the steward, you must monitor the time limits yourself and ask the grievor for a copy of the reply if the latter forgets to give you one.

Remember that your union has a real interest in all grievance proceedings, and you should not allow management to settle directly with the individual, especially where there is a danger that the grievor can be frightened, or otherwise talked into abandoning the case before the union side has had an opportunity to conduct its own investigation.

5. Control the discussion. Keep the discussion on your best arguments. Ask management questions and get them to try and justify themselves. Keep the emphasis on your complaints and grievances. Object if you get evasive answers, and ask for facts if vague statements are made.

6. It is a mistake to leave the negotiations without a clear written record of what has been agreed. Do not leave it to the management to send you their record afterwards; keep your own notes, and if necessary, insist on a form of words to be agreed upon there and then.

### **Ongoing considerations in the Steward-Supervisor relationship:**

- Avoid building up personal rivalry between yourself and the supervisor. Keep your mind on the job to be done and keep the personal element out of it.
- Follow the rules of the game. If, for example, there is a rule that you should check with the supervisor before leaving your job to look into a complaint, be sure to do so. If you expect supervisors to live up to their end of the procedure, you must live up to yours.
- Never go over the head of the supervisor without telling him or her. If you intend to appeal a decision, tell them so.
- Try to understand the other side's point of view, but never lose sight of your own position.
- Don't brag about victories over management. Give the other person a chance to save face – you may want to save yours some day.

Let management enforce the rules. Suppose you happen to be talking to the head supervisor and they say, "By the way, the employees are spending too much time in the restrooms. Will you pass along the word that if they don't cut it out, I'll have to issue some [suspensions](#)." There's nothing unusual about this request. In many plants, supervisors go to the steward or local executive and

complain about violations of rules. The idea is to prevent trouble, to stop violations before disciplinary action is used. So, everybody benefits – the employer, because the violations are stopped; and the workers, because disciplinary action is avoided.

Yes, everybody benefits. Except you.

Suppose you do pass along the word as the supervisor requested. What do you think the workers will think of you? After all, you are bringing a message from the employer. You are explaining the employer's position on the matter. And all this reflects on you

Once or twice perhaps, it won't matter. But if it happens with any degree of frequency over a period of time and the employer doesn't back up the warnings, it's bound to affect what the workers think of you.

They will say to each other, "Who is this steward working for anyway – the union or the employer?" You are being the fall guy, regardless of whether the supervisor knows it or planned it that way. They come out of it smelling like a rose; you come out of it looking like the bad guy.

What's the answer? Simply tell the supervisor that it is the employer's responsibility to enforce the work rules. If the supervisor wants the workers to be warned that they may be disciplined, the employer should give the warning. Tell the supervisor that you are not being paid to be the employer's front person.

Make an uncooperative supervisor cooperative. Management doesn't always know who is a good supervisor and who isn't. They don't always know who gets along with their employees and who doesn't; who keeps up department morale and who doesn't; who gets the most out of the employees, and who doesn't. This is why there are always some bad supervisors who manage to keep their jobs. The employer simply doesn't know that they aren't good supervisors; or perhaps, the employer feels that it doesn't really matter.

To make matters worse, especially for the union, a poor supervisor is almost invariably the type who will not co-operate with the union. They refuse to handle their grievances without a good reason, or fail to treat people fairly, or continually pass the buck.

When a department is stuck with supervisors like this – who can't get along with the workers or the union – the union must either persuade the supervisors to mend their ways or get rid of them. The method for doing this is quite simple – and effective. All it takes is co-operation between the local union executive, the stewards and the workers in the department: grieve, grieve, grieve.

But you and the workers must agree that this is the technique to be used – that the supervisor is to be snowed under with grievances.

Then, all the workers in the department file various legitimate grievances, with the supervisor as the case for complaint – and the steward pushes them through. The grievances probably won't be resolved in the initial steps – and you really

don't want them to be. The aim is to get them up to the higher steps where the real management authority is.

At the higher steps, you or the union representative or the grievance committee hammer away constantly at the fact that the supervisor is responsible for this flurry of grievances. You point out that the supervisor obviously cannot get along with the employees and therefore is a poor supervisor who cannot get the most productivity out of the department.

Now the employer will think that most or all of the grievances are petty. But management will still become concerned about the situation because the incompatibility and wrangling between the supervisor and the workers has been exposed.

The quarrelling will be emphasized if you pass the word to other departments not to complain about their supervisors for the time being. The one supervisor who is singled out will likely seem even more of a hideous devil when viewed in contrast to the peaceful harmony in all the other departments.

What will happen? Management won't want to be caught in the position of giving in to union pressure, of course. So it will support the supervisor – up to a point.

The employer will try to out-wait the union. Thus, the workers in the department must put up a continuous effort – perhaps lasting for months – in which they file a flow of grievances aimed at the supervisor. The workers will expect immediate results. So you must explain that the technique takes time, and encourage members to keep it up.

When the pressure on the employer becomes too great and the situation becomes too costly, management will have to take steps to solve the problem. The employer will tell the supervisor (privately, of course) to make peace with the department – or they will transfer him or her after the turmoil has died down.

Management might want to transfer the supervisor immediately to resolve the situation as quickly as possible, but the employer knows that it can't afford to do this. By doing so, management will be admitting that it has given in to union pressure. It can't afford to show this weakness. If it does, the company is opening the door to a flood of further demands from the union – all backed by similar pressure.

As a result, the company will carefully try to hide the real reason for the transfer, when it comes. At all costs the employer will try to make it appear that there is no relationship between the union pressure and the action.

One of the benefits of this technique is that it sets an example for all the other supervisors in the workplace. They know what's going on, of course. And when the snowed-under supervisor “gets religion” – or is transferred – they know that the same thing can happen to them. They become somewhat more careful in their behaviour.

Most workers think of a supervisor as solidly entrenched in the workplace with the complete backing of management. But they are really caught in the middle – between the employer and the union.

They are all too human. They respond to pressure. And they are afraid about the security of their jobs, especially since they have no union protection. This is why it is possible to get almost any immediate supervisor or foreman to co-operate with the union.

But remember, this technique should be used only as a last resort. Before using it, you should make every possible effort to get a working relationship with the supervisor.

## **DEALING WITH "EMPLOYEE INVOLVEMENT" SCHEMES: THE BATTLE FOR THE HEARTS AND MINDS OF THE MEMBERS**

Since the mid-1980s, managements have been offering “employee involvement schemes” to workers as a way to “humanize” the workplace, put an end to adversarial relations between unions and employers and give workers more control over the work process. They tell us this will create quality improvement, thereby ensuring the security of the business. This overture has been one of the biggest drawing cards for unions – a way to help protect the workplace and workers in the globalized economy. We are told that non-involvement in these programs would cause the loss of competitiveness and would force corporations to move elsewhere, like Mexico, or the southern US, for example.

The idea of working in teams and participating in decision-making, instead of taking orders from the boss, is a very appealing image to most workers. To anyone who has worked in a repetitive job, the thought of learning more skills, varying the routine and making the work less boring, is extremely attractive. Certainly, the time off the job spent in team conferences is a new and engaging style. When members hear about this from management, they are initially for it. Even those members who could turn away all of these "perks" would be hard put to veto a program designed to ensure their employer's competitiveness and thereby their own job security.

So what's the problem? Many employee involvement schemes are worth considering – as long as the contract is not weakened or bypassed, the union is not ignored, and as long as the members get due benefits from increased productivity. Unfortunately, in many cases, labour's experience with these kinds of programs has shown just the opposite.

Far from “humanizing” the workplace, the effect of many of these schemes is to turn the workplace into zones of ruthless competition. Workers in other work places or countries and co-workers on other teams are not to be viewed in solidarity, but rather as the competitor for this “job” or that “contract”. Team co-workers are encouraged to analyze their own productivity and correct or “pressure” those team members dragging them down. Absenteeism is no longer the problem of management, but a problem of the “team”. Workers are encouraged to “see” things through the eyes of management and be as self-sufficient as possible. Sometimes this might mean fixing that machine, or getting something themselves instead of waiting for the proper person to do it. Many times this crosses classification lines as set out in the collective agreement which in fact leads to the elimination of those classifications or jobs. Continued improvement or “kaizen”, a key pillar of these programs, encourages employees to work harder, faster and smarter and usually ends up burning up or stressing out workers.

In these ways, management effectively substitutes the collectivism of unions for individualism. It has been the unfortunate discovery of many unions and

memberships that no matter how productive and cost-effective a workplace may become, it can still be privatized or shut down in Canada only to re-open in Mexico, the southern United States or other regions of the world with low or non-existent labour standards.

This leads to some very tough choices for both the union and the steward. Do they boycott the scheme? Remember, the members are being “courted” by the employer who is offering things that appeal to the hearts and minds of the workers. If the union chooses to boycott, will it be a collective action or will it divide the membership and alienate those who “think” they want the program? If the union becomes involved with the employer, how does it protect the integrity of the collective agreement, the influence of the union and its membership? How can the union ensure to keep the bargaining unit strong and united?

Some unions have found ways of using the plans of management to their benefit and still others have decided to avoid them altogether. Whatever the decision – involvement or avoidance – there are some basic considerations and steps for the local union facing this kind of employee involvement scheme.

1. Check your union's policy with regard to employee involvement schemes. Ask your executive to seek advice from your representative and from your union's research department. The local executive or labour council may know where to find other locals who are involved with these programs. This way you can talk to other stewards who can give you some practical advice about the problems you will face on the work floor.

2. Understand the implications of management re-organization schemes. This is crucial to both you and your local in developing an informed response. Make sure too that the union membership knows what it is designed to accomplish, from the union's perspective. Remember, as the steward, it is your role to educate the membership. An uninformed membership could be susceptible to management's overtures. There is a lot of good resource material on these schemes, available from the CLC or from your own union.

3. The union should have a formal role in any employee involvement program, i.e. stewards or official union representatives on every employee-management committee. Preferably, there should be 50-50 representation on any joint problem-solving committee. Union/management negotiating sessions should be established to screen proposed topics.

4. The union should ensure respect for collective bargaining in the employee involvement process by monitoring all discussions on conditions of work. Agree only to the use of facilitators and consultants who understand collective bargaining and the workplace agreement in force.

5. The union should obtain written agreement on the goals of employee involvement programs, and the steward should know the limits and bounds of those goals as they pertain to the collective agreement.

6. The steward should also get assurance that the program will not be involved with conditions of employment and work which is provided for in the terms of the collective agreement. Be watchful: what management refuses in collective bargaining it cannot give through workplace participation schemes.
7. Make sure the union gets credit for the accomplishment of joint efforts. You, as steward, must communicate clearly to the membership that none of the positive labour relations programs are substitutes for collective bargaining or the grievance procedure. This is where your ongoing communication as union steward is invaluable.
8. To protect their membership, unions must get some guarantee that the implementation of the program does not eliminate jobs. These guarantees should be put in writing and the steward has to monitor it.
9. The steward must monitor that the adoption of employee involvement programs does not turn into a speed-up.
10. If a program is set in motion, the union must:
  - Insist workers who take time for program meetings are paid for that time.
  - Keep workers fully informed on all activities, beginning with the first meeting with management.
  - Insist on union representation at every meeting. You should have a “union agenda” set for each of these meetings. A good place for your local to establish these agendas is your local stewards’ meeting.
  - Ensure that these union representatives and stewards act as internal organizers.
  - Take part in an organized evaluation system to see if the program is serving its agreed-upon purpose.
11. Make sure you as steward have a clear understanding of operational procedures.

Finally, it cannot be stressed enough that either a boycott of employee involvement schemes or union control of participation in the program falls back on three basic considerations.

**Education** – Education of the whole membership on a one-on-one basis is crucial. They must understand what this program really means to their jobs and to their union. It is your role as steward to accomplish this, but stewards and the union leadership cannot deal with these programs by yourselves – it must be a collective action.

**Organization** – Some unions feel that if there is a problem, they can just grieve it. In the case of employee involvement programs, grieving is not effective. Better to organize the membership in an overall strategy developed by your local and national office. An organized collective response will defeat management’s aims where a grievance would fail.

Communication – Stewards keep the lines of communication open from the membership to the local and from the local to the membership. When you do your job properly, both the local and the membership will always be prepared to thwart any curves that management may throw your way.

## **STAYING ORGANIZED**

Staying organized in the 21<sup>st</sup> century is going to prove as big a struggle as “getting organized” was in the 19<sup>th</sup>. The tactics of government and corporate owners are now much more sophisticated and insidious than ever before.

In the last few decades, much legislation was enacted, and continues to be enacted worldwide, to pave the way for “free trade” and the lowering of so-called trade “barriers”. These trade rules fully equipped the transnational corporations to use the threat of shifting production to another country when trying to negotiate concessions with the unions representing their workers. In fact, the only barrier to a mass exodus of transnational corporations and government departments has been the strength of unions and their collective agreements.

The current trend of both government and corporate owners is to appeal to the spirit of “cooperation” of the public and labour force in Canada. The Canadian public is being asked to participate in the destruction of the social network they built. In order to accomplish this, the idea of collective responsibility must be fostered in the membership. Employed workers are told that workers who are on unemployment insurance or welfare are draining “their” tax dollars. Workers in seasonal industries are pitted against those in year-round jobs, and health care and education are toted more and more as being the responsibility of the individual, not that of the government. Employers are entering the fray, under the guise of “teamwork” or “work circles” supposedly designed to give more direct control to workers over production. In fact, far from being models of shop floor democracy, many of these programs are really ways of retraining workers to monitor and push each other for higher production. Both government and corporate employers are trying to destroy the collectivity of the labour movement in order to remove all barriers (in society and in the workplace) to the corporate agenda of “profits before people”.

Thrown on the defensive, working people are now fighting on many fronts to preserve and build on past gains. There have been some victories, some successes in resisting rollbacks and takeaways, and some bargaining breakthroughs.

It is largely due to these successes that the Canadian labour movement has remained strong. Contrary to what the politicians and business media would have us believe, polls indicate that the vast majority of union members like and believe in their unions.

The task now is to unite and mobilize our members in order not just to protect workers’ rights and benefits, but to prevent a tearing apart of our society’s social fabric and a further widening of economic disparities. This will be accomplished only through our commitment to emphasize back internal organization and education within our local unions. Rank and file activism has always been the foundation of the labour movement and, as this reference manual suggests, this places a lot of pressure on the steward, since stewards are the key link with the

membership. They are a small and relatively easy group for the union to keep in touch with.

A union that makes the commitment to internal organizing and education must emphasize these activities as a major function of stewardship to all who accept the position. More importantly, unions and stewards must take the necessary steps to enable stewards to function as internal organizers and educators. There are two steps that need to be taken. The union local must provide stewards with the time and the training in order to be internal organizers and educators.

One way that this has been accomplished has been through collective bargaining. Paid Educational Leave (PEL) is a negotiated benefit whereby the employer contributes a percentage per member (2¢ per hour worked) to a union education fund and also guarantees the right of members to “leave” from work to attend courses. This is a “breakthrough” clause since it not only ensures labour education to workers but does so without tapping the resources of the union. Failing that, most unions have, or should have funds set aside for the education of their members.

Whether through PEL or through their own unions’ education funds, stewards need knowledge about the union, as well as about conditions in the workplace, in order to be able to function effectively. As already stressed, stewards can access a variety of education courses run by the CLC and various affiliated national and international unions.

This need for information doesn't end after union education sessions. Regular meetings give stewards a chance to discuss grievances and problems, evaluate performances, understand labour legislation, plan and co-ordinate strategies and learn more about their union. Regular stewards’ meetings are a good place for stewards to learn about proposed action by the local so they can inform the membership.

The stewards’ meeting should be run like a buzz group – the format used in group exercises in CLC union education courses. Planning for stewards’ meetings is important, yet these plans should be flexible enough to allow for the type of long discussions of serious problems that belong in a stewards’ meeting. At other times, guest speakers or films provide opportunities to discuss union policies and political questions.

How many stewards engaged in internal local union organizing and education are necessary for a workplace? Every workplace is different, so that no ratio of bargaining unit members to stewards can be specified in general. No employer would maintain a ratio of supervisors-to-workers that did not allow supervisors to have contact with each of their subordinates on a daily basis. This daily communication between supervisors and workers is an important aspect of [decertification](#) campaigns. Successful locals use stewards for union education with the membership. To accomplish this they take advantage of the courses offered both by the CLC and their own union, which properly train stewards in their responsibility.

For the union, however, daily contact is not necessary and may even be self-defeating if bargaining unit members perceive frequent contact initiated by stewards as intrusive or annoying. Union representatives should at least have the capability of face-to-face communication with every bargaining unit member on a weekly basis. The length of time necessary for each conversation need not be long; a few minutes should suffice. Because workers gather in small groups during rest periods and lunch breaks, stewards or other union representatives may be able to communicate with a number of workers simultaneously.

Achieving the capability of face-to-face communication with each member of the local on a weekly basis requires no change for many unions.

If a union finds that it is not able to communicate face-to-face with each bargaining unit member in a week, then it must increase the number of its union representatives. Some contracts limit the number of stewards. If the union is to engage in internal organizing it must try to negotiate a position that provides the union with the ability to undertake face-to-face communication with each bargaining unit member on a weekly basis.

One of the best mechanisms for maintaining and strengthening communication with the membership is an organized workplace communications program. Initially developed by the CLC Political Education department as a tool to promote labour's political campaign, many unions found that it served the purpose of one-on-one, face-to-face steward communication with the membership on all issues affecting workers.

The act of canvassing the membership, or initiating union surveys to find out what the membership is thinking, is by itself a demonstration of the union's responsiveness to its members. A typical workplace communication program can be organized by following these steps:

1. Hold a planning session among the leadership to discuss the overall strategy for the survey.
2. Decide on an issue of direct concern and interest to most of your membership.
3. Design and print a leaflet presenting the issue and alternative solutions.
4. Set up a canvass organization and appoint steward or member of the local union executive to co-ordinate the stewards' activities.
5. A training session should be held for stewards and other activists to explain the issue, the leaflet and the communication instructions.
6. The survey should last no longer than two weeks. After it is finished, hold a short meeting to discuss and assess the canvass and its results.

Internal organizing provides answers to the questions, "Is the union doing its job?" Internal local union organizing is a continuous process based upon the premise that through the demonstration of the union's effectiveness at solving workplace issues, non-members and apathetic members will be motivated to actively support the union. Two primary reasons for workers to form unions is that

they expect the union to give them a fair shake at the workplace through a grievance procedure and seniority system.

Internal organizing is important for all unions, particularly those whose collective bargaining power is limited so that they are unable to demonstrate significant wage and benefit plans. In this era of recurring high unemployment and low economic growth, many unions find themselves in this unfortunate position. Every workplace, however, has issues that the union can use as a vehicle to demonstrate its effectiveness.

## WHY POLITICAL ACTION?

Traditionally, unions have been involved in politics for three reasons: one, to gain recognition of the right of workers to form unions and bargain collectively; two, to protect the gains they have won through collective bargaining; and, three, to promote justice and equal economic opportunity for all Canadians.

We have achieved these goals by acting collectively in setting our own agenda of priorities and then electing politicians who either believed in the same things as us or were forced to address our priorities because of the number of votes we represent. Since the days of the Toronto Printers with Sir John A. MacDonald, politicians in all levels of office, from municipal to federal, have recognized the strength of our collective political action. Perhaps this is why governments and business seem to go to such great lengths to convince us that unions and social organizations do not represent our society, but are just so-called “special interest groups”.

Our experience in the last twenty years has shown us that legislation that governs our destiny in the workplace can modify or eliminate hard-won contractual and social gains. Big business, probably the biggest special interest group in our society, has no problem in lobbying the courts and politicians to further their goals. Legislation ending strikes or even the right to strike in both the public and private sectors, court [injunctions](#) against the right to picket, and legislated wage and benefit cuts and freezes have affected all of our unions. All of society is being affected by business’s push for “less government instead of more”. This really means less protection of jobs and workers’ rights on the job, less Medicare, less unemployment insurance, less social assistance, less collective rights and responsibilities, and more profits.

This is not accomplished because business says, “No politics in the boardroom,” but rather because they actively set their agendas and use their wealth and organizations, such as the Canadian Chamber of Commerce, the Business Council on National Issues, among others, to lobby and push politicians to achieve them.

Our wealth is our collectivity as workers and as a society. Our organizations are our unions, social movements and political parties. You wouldn’t elect your boss as shop steward; you know what they wouldn’t represents your best interests on the job. It doesn’t make any more sense to elect management persons to represent our interest in politics. By the same logic, no union signs a collective agreement and blindly trusts that management is going to follow it. You as steward closely monitor and grieve any infraction. It doesn’t make any more sense that we elect our political parties and not continue to force them to follow the agenda that we elected them for.

Union members know in their gut how to best change a situation they aren’t pleased with. They use their collective strength. If they aren’t happy with the offer of the boss, collectively they go on strike, if they feel that the leadership in the local isn’t responding to their needs, they vote them out. It is our collective

strength and our commitment to political action that will convince governments and business to do the right thing. To achieve this, we must educate and organize our membership around our issues, then we must strengthen our coalitions with like-minded social groups, and finally we must elect politicians who represent us and hold them to our agenda.

The experienced steward knows that to accomplish this level of collectivity, there must first be extensive communication, education and organization of both themselves and the membership. They prepare themselves by getting involved in union education courses (by the CLC and their own union) and participating in the local labour council; and by communicating everything with their membership. In doing this, the steward lays the groundwork for a strong and vibrant labour movement, committed to take on the crucial challenges facing workers and society.

## **GLOSSARY**

### **Across-the-board adjustment**

Change in pay rates made for all employees in a workplace or particular group.

### **Adjudication**

The equivalent to grievance arbitration; a method under the Public Service Employee Relations Act of providing a settlement of disputes arising out of the terms of any Agreement.

### **Affiliated union**

A union which is a member of a group of unions.

### **Affirmative action**

Affirmative action is a comprehensive strategy whose aim is to establish the same percentage of minority group members and women at all levels of the workplaces and unions as there are in the general population.

### **Agency shop**

A clause in a collective agreement similar to the Rand Formula.

### **Agreement, collective**

A contract (agreement and contract are interchangeable terms) between one or more unions, acting as bargaining agent, and one or more employee covering wages, hours, working conditions, fringe benefits, rights of workers and union, and procedures to be followed in settling disputes and grievances.

### **Arbitration**

A method of settling disputes through the intervention of a third party whose decision is final and binding. Such a third party can be either a single arbitrator, or a board consisting of a chairperson and one or more representatives. Arbitration is often used to settle major grievances and for settling contract interpretation disputes. Voluntary arbitration is that agreed to by the parties without statutory compulsion. Compulsory arbitration is that imposed by law. Governments sometimes impose it to avoid a strike or end one.

**Assessments**

Special charges levied by unions to meet particular financial needs.

**Back-pay**

Wages due for past services. Often the difference between money already received and a higher amount resulting from a change in wage rates.

**Bargaining agent**

Union designated by a labour relations board or similar government agency as the exclusive representative of all employees in a bargaining unit for the purpose of collective bargaining.

**Bargaining unit**

Group of workers in a craft, office, department, plant, firm, industry or occupation, determined by a [labour relations board](#) or similar body as appropriate for representation by a union for purposes of collective bargaining.

**Base rate**

The lowest rate of pay, expressed in hourly terms, for the lowest paid qualified worker classification in the bargaining unit. Not to be confused with basic rate, which is the straight-time rate of pay per hour, job or unit, excluding premiums, incentive bonuses, etc.

**Blue collar workers**

Production and maintenance workers as contrasted to office and professional personnel (white collar workers).

**Canadian Labour Congress (CLC)**

Canada's national labour body representing over 70 percent of organized labour in the country, 3.3 million workers.

**Certification**

Official designation by a labour relations board, or similar government agency, that a union is the sole and exclusive bargaining agent, following proof of majority support among employees in a bargaining unit.

**Checkoff**

A clause in a collective agreement authorizing an employer to deduct union dues and, sometimes other assessments, and transmit these funds to the union. There are four main types; the first three apply to union members only and the Rand Formula – dues deducted from union and non-union employees.

**Classification plan**

A job evaluation method based on comparison of jobs against a money scale.

**Closed shop**

A provision in a collective agreement whereby all employees in a bargaining unit must be union members in good standing before being hired, and new employees hired through the union.

**Collective agreement**

See [Agreement, collective](#).

**Collective bargaining**

Method of determining wages, hours and other conditions of employment through direct negotiations between the union and employer. Normally the result of collective bargaining is a written contract which covers all employees in the bargaining unit, both union members and non-members.

**Company union (or boutique union)**

A one-company group of employees frequently organized or inspired by management and usually dominated by the employer.

**Conciliation and mediation**

A process which attempts to resolve labour disputes by compromise or voluntary agreement. By contrast with arbitration, the mediator, conciliator or conciliation board does not bring in a binding award, and the parties are free to accept or to reject its recommendation(s). The conciliator is often a government official while the mediator is usually a private individual appointed as a last resort, sometimes even after the start of a strike.

## **Consumer Price Index**

Statistics Canada's monthly statistical study which checks retail prices of selected consumer items in a representative group of cities. Strictly, it is not a "cost of living" index, though it is often so described.

## **Contracting out**

Practice of employer having work performed by an outside contractor and not by regular employees in the unit. Not to be confused with subcontracting, which is the practice of a contractor delegating part of his work to a subcontractor.

## **Contract**

See [Agreement, collective](#).

## **Contract proposals**

Proposed changes to the collective agreement put forward by the union or the employer and subject to collective bargaining.

## **Cost of living allowance (COLA)**

Periodic pay increase based on changes in the Consumer Price Index sometimes with a stated top limit.

## **Craft union**

Also called horizontal union. A trade union which organizes on the principle of limiting membership to some specific craft or skill, i.e., electricians, plumbers, etc. In practice, many traditional craft unions now also enroll members outside the craft field, thereby resembling industrial unions.

## **Decertification**

Withdrawal by a labour relations board of its certification of a union as exclusive bargaining representative.

## **Demotion**

Transferring an employee to a job involving reduced responsibilities and duties and possibly a reduction in pay.

## **Discipline clause**

A section of a collective bargaining agreement reserving to management the right to penalize employees for disobedience.

### **Discrimination**

Discrimination is the differential treatment of an individual based on race, creed, sex, sexual orientation, physical or mental attributes, or any other personal attribute.

### **Down time**

Period when work is not proceeding for one reason or another – such as a machine not operating due to mechanical failure, or lack of materials, etc. – through no fault of the operator, but with the workers still on the job. Under a union contract, down time is usually paid for.

### **Dues**

Periodic payments by union members for the financial support of their union.

### **Duty of fair representation**

A clause of many labour codes, provincial and federal, which states that all workers, whether members of the union or not, have the right to representation by the union that represents their workplace. It also states that the union must not act in a manner which is arbitrary, discriminatory, or in bad faith towards any employee of their bargaining unit.

### **Expedited arbitration**

A fast track arbitration system where cases are presented within a specified time limit. They also imply that the arbitrator(s) will issue awards in a specified time and that such awards will not be “precedent setting” (or create [jurisprudence](#)).

### **Federation of labour**

A federation, chartered by the Canadian Labour Congress, grouping local unions and labour councils in a given province.

### **Fringe benefits**

Non-wage benefits, such as paid vacations, pensions, health and welfare provisions, life insurance, etc., the cost of which is borne in whole or in part by the employer.

## **Grievance**

Complaint against management by one or more employees, or a union, concerning an alleged breach of the collective agreement or an alleged injustice. Procedure for the handling of grievances is usually defined in the agreement. The last step of the procedure is usually arbitration.

## **Harassment**

See chapter, [Harassment](#).

## **Hiring hall**

A headquarters from which a union fills requests for workers. A central hiring hall is a place where union workers gather for referral to seasonal or casual jobs. A joint hiring hall is sponsored by employers as well as a union. A preferential hiring hall is one in which union members get first referral to jobs.

## **Incentive pay**

Method of pay which varies according to production. Pay may depend upon number of pieces of work completed by individual or groups of workers. Wages may be paid on a piece, bonus or premium basis. Contracts guarantee incentive workers a minimum hourly rate.

## **Industrial union**

Also called “vertical union.” A trade union which organizes on the principle of including all workers from one industry, regardless of their craft or whether they are skilled or unskilled. See [craft union](#).

## **Injunction**

A court order restraining an employer or union from committing or engaging in certain acts.

## **International Trade Union Confederation (ITUC)**

An international trade union body formed in 1949, composed of a large number of national central labour bodies, such as the Canadian Labour Congress. The ITUC represents millions of workers around the world.

## **International Labour Organization (ILO)**

Tripartite world body representative of labour, management and government; an agency of the United Nations. It disseminates labour information and sets minimum international labour standards, called "conventions", offered to member nations for adoption. Its headquarters is in Geneva, Switzerland.

## **International union**

A union which has members in both Canada and the United States.

## **Job analysis**

Investigation of duties and operations of a job to determine its requirements in terms of human abilities and relationships.

## **Job classification**

Job rating based on an analysis of the requirements of the work.

## **Job content**

The actual duties which make up a job.

## **Job description**

A part of job evaluation involving a review of the nature of the work, its relation to other jobs, the working conditions, the degree of responsibility and the other qualifications called for by the work.

## **Job evaluation**

A system designed to create a hierarchy of jobs based on factors such as skill, responsibility or experience, time and effort. Often used for the purpose of arriving at a rational system of wage differential between jobs or classes of jobs.

## **Job security**

A provision in a collective agreement protecting a worker's job during times of change, such as the introduction of new methods or machines.

## **Jurisdictional dispute**

A dispute between two or more unions as to which one shall represent a group of employees in collective bargaining or as to whose members shall perform a certain kind of work.

### **Jurisprudence**

The decisions of arbitrators or arbitration boards which make up case law in labour court.

### **Labour College of Canada**

Institution of higher education for trade union members operated by the Canadian Labour Congress for the purpose of providing a training ground for future trade union leaders.

### **Labour council**

Organization composed of locals of CLC-affiliated unions in a given community or district.

### **Labour relations board**

A board established under provincial or federal labour relations legislation to administer labour law, including certification of trade unions as bargaining agents, investigation of unfair labour practices and other functions prescribed under the legislation.

### **Layoff**

Temporary, prolonged, or final separation from employment due to lack of work.

### **Leave of absence**

Permitted absence for an employee for a limited period ordinarily without pay.

### **Local (union)**

Also known as a lodge or a branch, locals are the basic unit of union organization. Trade unions are usually divided into a number of locals for the purpose of local administration. These locals have their own by-laws and elect their own officers; they are usually responsible for the negotiation and day-to-day administration of the collective agreements covering their members.

## **Lockout**

A labour dispute in which management refuses work to employees or closes its establishment in order to force a settlement on its terms.

## **Management rights**

Also called employer rights, management generally contends that this body of rights – including hiring, scheduling of hours of operation and contracting – are not proper subjects for collective bargaining.

## **Master agreement**

A union contract executed by the leading employer in an industry which sets the general pattern that will be followed by the industry. Can also refer to a union contract that sets basic standards for employers and unions covered by the agreement who will negotiate further on local subjects; also known as a “model agreement”.

## **Mediation**

A means of settling labour disputes whereby the contending parties engage a third person as a neutral go-between.

## **Modified union shop**

A place of work in which non-union workers already employed need not join the union, but all new employees must join, and those already members must remain in the union. See [union security](#) and [union shop](#).

## **Moonlighting**

The holding by a single individual of more than one paid job at the same time.

## **New Democratic Party (NDP)**

The NDP was co-founded by the labour movement and is supported by many unions today. Since its creation in 1932, it has fought on behalf of workers for better pensions, labour laws, working conditions, Medicare, unemployment insurance, human rights and other progressive ideas in legislatures across Canada. Many of the benefits working people enjoy today can be credited to the policies, actions and dedication of the NDP.

## **National union**

A union whose membership is confined to Canada only.

### **No-strike clause**

A contract clause limiting the freedom of workers to strike during the life of the agreement. Used when the contract provides for final settlement of grievances through arbitration. Compulsory in all provincial labour acts.

### **Open shop**

A shop or workplace in which union membership is not required as a condition of securing or retaining employment.

### **Overtime**

Hours worked in excess of a maximum regular number of hours fixed by statute, union contract, or custom. Clock overtime is a premium, paid for work during specified regular working hours, required by collective bargaining agreement.

### **Overtime rate**

Higher rate of pay fixed by statute, union contract or custom for hours worked in excess of a specified straight-time maximum.

### **Paid education leave**

A negotiated benefit whereby the employer contributes a percentage per member to a union education fund, and which also guarantees the right of members to "leave" from work to attend courses.

### **Pay equity**

The principle that there should be equal levels of pay/remuneration for all workers who perform equal functions.

### **Per capita tax**

Regular payments by a local to its national or international union, labour council or federation, or by a union to its central labour body. It is based on the number of members.

### **Picketing**

A tactic employed by union members – called picketers in this case – when they walk holding signs near employer's place of business to publicize the existence of a labour dispute, persuade workers to join a strike or join the union, discouraging customers from buying or using employer's goods or service, etc.

### **Piece rate (piece work)**

A form of incentive pay under which wages are paid according to the number of pieces produced. Pay may be related to individual or group production. Unlike an hourly rate of pay under which the worker receives a fixed rate which does not vary with output. Most contracts guarantee piece rate workers a minimum hourly rate.

### **Posting**

Required display of the vacancies available for competition within the bargaining unit.

### **Preferential hiring**

A system under which employers agree to hire only union workers so long as the union is able to fill demands for workers.

### **Premium pay**

A wage rate higher than straight time. Payable for overtime work, work on holidays or scheduled days off, for example, or for work under extraordinary conditions such as dangerous, dirty or unpleasant work.

### **Probationary period (trial period)**

Time during which a new employee is on trial by the company and usually subject to discharge without union challenge, except where the discharge is discriminatory.

### **Promotion**

Advancing an employee to a position paying a higher salary.

### **Raiding**

An attempt by one union to induce members of another union to defect and join its ranks.

**Rand Formula**

Also called agency shop. A union security clause in a collective agreement stating that the employer agrees to deduct an amount equal to the union dues from all workers of the bargaining unit, whether or not they are members of the union, for the duration of the collective agreement. See [Checkoff](#).

**Recognition**

Employer acceptance of a union as the exclusive bargaining representative for the employees in the bargaining unit.

**Red circle rate**

A rate of pay for a particular employee which is higher than the maximum of the rate range of the rate for the work that the employee is doing. For example, because of old age, disability, or the like, an employee is demoted to easier, lower-paying work with no reduction in pay.

**Reinstatement**

The restoration of a discriminatorily discharged employee to that employee's former job.

**Re-opener**

A provision calling for reopening a collective agreement at a specified time prior to its expiration for bargaining on stated subjects such as a wage increase, pension, health and welfare, etc.

**Seniority**

Term used to designate an employee's status relative to other employees, as in determining the order of lay-offs, promotion, recall, transfer, vacations, etc. Depending on the provisions of the collective agreement, seniority can be based on length of service alone or on additional factors such as ability or union duties.

**Severance pay**

Lump sum payment by the employer to a worker laid off permanently through no fault of the worker.

**Shift**

The stated daily working period for a group of employees, for example, 8:00 am to 4:00 pm or 4:00 pm to midnight, or midnight to 8:00 am. See also [split shift](#).

### **Shift differential**

Added pay for work performed at other than regular daytime hours.

### **Shop steward**

A union official who represents a specific group of members and the union in union duties, grievance matters, and other employment conditions. Stewards are usually part of the workforce they represent.

### **Slowdown**

A deliberate lessening of work effort without an actual strike, in order to force concessions from the employer. A variation of this is called a work-to-rule strike – a concerted slowdown in which workers, tongue-in-cheek, simply obey all laws and rules applying to their work.

### **Split shift**

Division of an employee's daily working time into two or more working periods to meet peak needs.

### **Stretch-out (speed-up)**

An unbearable increase in the worker's pace.

### **Strike**

A cessation of work or a refusal to work or to continue work by employees in combination or in accordance with a common understanding for the purpose of compelling an employer to agree to terms or conditions of employment. Usually the last stage of collective bargaining when all other means have failed. Except in special cases, strikes are legal when a collective agreement is not in force. A rotating or hit-and-run strike is a strike organized in such a way that only part of the employees stop work at any given time, each group taking its turn. A sympathy strike is a strike by workers not directly involved in a labour dispute – an attempt to show labour solidarity and to put pressure on an employer in a labour dispute. A wildcat strike is a strike violating the collective agreement and not authorized by the union.

**Strikebreaker (scab)**

A person who continues to work or who accepts employment to replace workers who are on strike. By filling their jobs, they may weaken or break the strike. Jack London, an American author in the early 1900's, sympathetic to the dock workers of San Francisco where he lived, wrote, "After God had finished the rattlesnake, the toad and the vampire, he had some awful stuff left with which he made a scab. A scab is a two-legged animal with a corkscrew soul, a water-logged brain, and a backbone of jelly and glue. Where others have hearts, he carries a tumor of rotten principles...No man has the right to scab as long as there is a pool of water to drown his carcass in, or a rope long enough to hang his body with."

**Strike vote**

Vote conducted among members of a union to determine whether or not to go on strike.

**Suspension**

A [layoff](#) from work or from union membership as a disciplinary measure.

**Technological change**

Technical changes to the work process, such as the introduction of "labour saving" machinery or new production techniques. These often result in workforce reduction or speed-up.

**Trade union**

Workers organized into a voluntary association to further their mutual interests with respect to wages, hours of work, working conditions and other matters of interest to the workers.

**Transnational corporation**

Any company that operates in more than one country.

**Trusteeship**

The taking over of the administration of a local union's affairs, including its treasury, by the parent body.

**Unfair labour practices**

Those employer or union activities that are classed as "unfair" by labour relations acts.

### **Union label (or union bug)**

A tag, imprint or design affixed to a product to show it was made by union labour.

### **Union security**

Provisions in collective agreements designed to protect the institutional life of the union. See also: [checkoff](#), [closed shop](#), [Rand Formula](#), [union shop](#), [modified union shop](#).

### **Union shop**

A place of work where every worker covered by the collective agreement must become and remain a member of the union. New workers need not be union members to be hired but must join after a certain number of days. See also [union security](#), [modified union shop](#).

### **Voluntary recognition**

An employer and a trade union may agree that the employer shall recognize the trade union as the exclusive bargaining agent of the employees in a defined bargaining unit.

### **Walkout**

Loose term for a strike.

### **White collar workers**

Workers in offices and other non-production kinds of industry, business or work.

### **Work-to-rule**

A practice where workers obey all laws and rules pertaining to their work, thereby effecting a slow-down, a refusal to perform duties which, though related, are not explicitly included in the job description.

### **Working conditions**

Conditions pertaining to the job environment, such as hours of work, safety, paid holidays and vacations, rest period, free clothing or uniforms, possibilities of

advancement, etc. Many of these are included in the collective agreement and subject to collective bargaining.

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