



Steward Training Level One & Two

John Di Nino
President
ATU Canada
www.atucanada.ca

John Costa
President
ATU International
www.atu.org

Contents

President's Welcome Message.....	4
MODULE 1	5
Learning Outcomes.....	5
Benefits of Unionization	5
MODULE 2	6
The Steward's Role and Responsibilities.....	6
A LEADER:	6
AN ORGANIZER:.....	7
A PROBLEM SOLVER:.....	7
AN EDUCATOR AND COMMUNICATOR:	8
AN ACTIVIST:.....	8
A RECORDING SECRETARY:.....	9
What must the Steward know in order to effectively do their job?	9
YOUR COLLECTIVE AGREEMENT:.....	9
EMPLOYER POLICIES AND WORKPLACE RULES:	10
YOUR WORKPLACE:.....	10
LEGISLATION:.....	10
RESOURCES:	11
AFFILITATIONS:.....	11
THE MEMBERSHIP:.....	11
YOUR UNION:	12
YOURSELF:.....	12
What tools (materials, information, etc.) does the Steward require?	13
MODULE 3	14
At the Member's Service	14
1) A new worker is hired in your department. What should you do?	14
2) A group of workers who didn't attend a special union meeting the night before want to know what happened. Most of these people never attend. What do you do?	15

3) Two members come to you with a complaint. After investigation you conclude that it isn't a valid grievance. They continue to insist that it is. What do you do?	15
4) A woman in your department complains to you that a male supervisor has been sexually harassing her. After making it clear, repeatedly, that she was not interested in joining him for 'coffee' after work he continues to send her sexually themed email material. What do you do?.....	16
5) You've just filed a member's first grievance and she turns to you and asks "Will we win?" What do you say?	18
6) A supervisor comes to you and informs you that a problem is developing with three members within the department. She asks you to try to solve it before she is forced to take disciplinary action. What do you do?	18
MODULE 4	19
Duty of Fair Representation	19
WHAT IS THE DUTY OF FAIR REPRESENTATION?	19
Arbitrariness Defined.....	19
Bad Faith Defined	19
Discrimination Defined	20
DFR: GUIDELINES FOR GRIEVANCE HANDLING.....	20
THE UNION'S DUTY OF FAIR REPRESENTATION	20
Questionnaire (True or False?).....	23
MODULE 5	25
Grievances Defined	25
When is a Complaint Not a Grievance?	27
MODULE 6	28
Types of Grievances	28
Individual Grievance.....	28
Group Grievance.....	28
Policy Grievance	28
Union Grievance	29
Management Grievance.....	29
Grievances and the Law	30
Grievance Subject Matter	30
MODULE 7	32

Grievance Investigation Procedure	32
The Interview.....	32
The Investigation.....	32
Checklist for Getting the Facts	35
The Basic Steps in Grievance Preparation	36
Sources of Information	38
ATU Canada Union Fact Sheet	41
Handling Grievances: Hints for Stewards	44
MODULE 8	46
Writing the Grievance	46
Some principles of Grievance Writing.....	48
MODULE 9	49
10 Secrets of a Successful Grievance Presentation	49
Appendix.....	51
What is Harassment?.....	51
Policy on No Harassment	52
What is the role of International Union?	54
Glossary.....	57

President's Welcome Message

Let me start by saying Congratulations to all of you for taking a giant step in supporting the Labour movement.

Having served for over 15 years as a shop steward and 9 years as an Executive Board member for ATU, I understand, and I am committed to provide you with continuous training in order to give you the fundamental information to make you effective in your role. Rules, regulations, and legislation is changing rapidly in Canada having an informed steward base is the key to success.

ATU Canada in partnership with ATU International and President John Costa hope that you will find this training enjoyable and educational, giving you the tools, you require to best serve our members.

Over my term as ATU Canada President, I look forward to meeting with all of you as I visit your Locals. Until then I extend my sincere gratitude and best wishes for continued success as an ATU representative.

I remain yours in solidarity,

John Di Nino

ATU Canada President

MODULE 1

Learning Outcomes

At the end of this course students will be able to:

1. Understand the varied and challenging roles and responsibilities of a union steward;
2. Understand the difference between a grievance and a complaint;
3. Understand your local's grievance procedure;
4. Know what resources are required to be an effective steward;
5. Confidently investigate and prepare a grievance;
6. Understand the Duty of Fair Representation.

Benefits of Unionization

- seniority
- job security
- representation
- grievance procedure
- promotional opportunities
- job classification
- health & safety programs
- protective equipment
- paid absence allowance
- jury duty pay
- bereavement pay
- life Insurance benefits
- sickness & accident benefits
- preference of shift
- relief periods
- work standards
- uniform scale
- guarantee of wage In-creases
- overtime
- call-in pay
- paid vacations
- early retirement
- prescription drugs
- dental programs
- short-term disability benefits
- long-term disability benefits
- medicare protection

MODULE 2

The Steward's Role and Responsibilities

A LEADER:

- You're the one who keeps the union moving forward. You make unity happen, and this unity ensures that the local remains as strong, efficient and democratic as possible. Strong locals are the key to a strong ATU.
- Always stay in touch with your membership and let them know where you can be reached. Encourage workers to come to you first with their problems regarding the collective agreement.
- Your duty is to enforce the provisions of the collective agreement, Initiate and/ or take up Individual grievances with management and carry out the general Union policies. This means that you must speak up and provide a voice for your co-workers in dealing with management. Work to abolish the workers' fear of management by showing you are assertive and expect to be treated as an equal.
- Work with everyone in your department or facility. Speak up for them. Act promptly and decisively. Deal with all members fairly and equally across the board. Keep your word.
- Develop teamwork by talking with your members and asking for their advice.
- Represent your local by attending local meetings and Area Council meetings.
- Always accept full responsibility for your actions.
- Remain level-headed under pressure.
- You are the direct representative of the workers in your department and the primary link between the union and its members.
- Promote teamwork and solidarity
- Always act in a way that is consistent with principles of trade unionism; seek

solutions that increase quality of life; give dignity and prevent harm.

- Be inclusive and give credit where credit is due.
- Always keep your word.

AN ORGANIZER:

- It doesn't just mean signing up new members, although with many school bus and some transit properties still unorganized, it means that too. It means ATU stewards are responsible for organizing the whole workplace to deal with problems as a united group. Which is, when you think about it, what labour unions are all about: collective action.
- **WORK FOR ONE HUNDRED PERCENT** active union membership. Know your members. Encourage them to participate in the union and attend all meetings. Stimulate inactive members by letting them know what the union is doing that will be of Interest to them.
- When new members arrive at your workplace introduce yourself and explain your role as a steward. Provide new members with copies of the contract and be prepared to respond to questions about it or other matters. Inform them about the ATU (Its structure, the services it provides, etc.) and direct them to ATU Canada and the International's websites and publications to learn more. You want the new employee identifying with the union not the employer.

A PROBLEM SOLVER:

- You're the person workers will turn to with their problems. It might be a health and safety Issue or a rumour circulating about layoffs. It might just be a new member with a question.
- You may well be confronted with problems people are having outside the work- place as well. Be sure that you're familiar with your workplace's Employee Assistance Program (EAP), and/or your local's Employee Assistance Committee or Peer Support Group and be prepared to solicit advice on such issues from other Union officials.
- Serve all members equally and fairly.
- You co-operate with union officers and executive.

- You're wise enough to know that you don't know everything and smart enough to know where you can go to get information you don't have.
- Irrespective of whether the problems you encounter are within or outside of the workplace or whether your solution to them is in the form of a friendly word, a counseling referral, a job action or the filing of a grievance it will soon become clear that problems don't just go with your territory; they *are* your territory.

AN EDUCATOR AND COMMUNICATOR:

- As the official closest to the members who constitute the Union, you are responsible for keeping them Informed about Union activities, policies and meetings.
- Equally important, your union officers, especially those who do not work with them every day, are counting on you to help them keep In touch with your co-workers.
- Listen to and learn from your membership. Neither education nor communications are one-way processes but are ones in which you can learn from your member's knowledge, experience and character while providing them with encouragement.
- Share information, distribute Union publications and always be prepared to explain the collective agreement.
- Keep bulletin boards clean and up-to-date.
- Attend Union courses and encourage members to attend.

AN ACTIVIST:

- KNOW THE PROVINCIAL AND FEDERAL LEGISLATION that affects you, your members and the union.
- Work for Improved labour and social legislation. Remember that anti-union/ anti-worker labour legislation can restrict our bargaining rights and the protection we can give our members.
- If your employer is a public transit system work for improved funding for public transit from municipal, provincial and federal levels of government.

- Support political candidates who support labour's and/or public transit's cause.
- Keep up to date on political Issues by reading union publications and actively promote special Issue campaigns by the ATU and the CLC.
- Raise your local's profile in the community by taking part in local community activities and encouraging your members to do the same.

A RECORDING SECRETARY:

- You need to keep scrupulous records of all interviews, investigations, pertinent conversations, etc.
- These records need to be properly organized and accessible for easy reference.
- Good record keeping will keep you out of trouble as you can refer to concrete notes, reports, memos, letters of understanding, etc.

What must the Steward know in order to effectively do their job?

YOUR COLLECTIVE AGREEMENT:

- Knowing your contract is the key to being a good steward. The contract is a set of rules that say what the employer and the union can and cannot do. You should know all of the contract provisions and, since no contract is perfect, you must also understand its limitations. Without knowledge of the contract, the steward will not be able to advise, guide or represent the members.
- Understand how the provisions of the contract apply to your area/department of responsibility.
- Unless you know the contract you cannot tell co-workers whether their rights under that agreement have been violated or not.
- Keep up to date with arbitration decisions, memorandums and/or letters of understanding and new Interpretations of the different clauses.
- Know your rights as a steward as they are set out in your collective agreement, for example, regarding steward time off to process grievances,

access to seniority lists, time off to attend Union business, etc.

- The Grievance Procedure Is the heart of the collective agreement. Contract enforcement and worker-management relations in your workplace depend upon it. Take advantage of any ATU courses on grievance procedure and contract analysis. As well, you can consult with other stewards and your staff representative on how the contract should be interpreted and applied.

EMPLOYER POLICIES AND WORKPLACE RULES:

- Many employers establish a list of rules that are completely outside of the collective agreement. Get to know what ground rules are in your workplace, particularly those that could lead to disciplinary actions. The employer is legally obliged to communicate their policies and rules to its employees.
- You should have, and keep handy, a binder in which you can place all workplace rules and regulations and be reasonably familiar with them, especially those sections dealing with disciplinary action. Ensure that employer rules do not violate the collective agreement. Watch the bulletin boards.
- Read the employer's newsletters and financial reports. Watch the newspapers for news of your employer and the Industry sector.

YOUR WORKPLACE:

- You should understand your workplace, including the scope of its operations, particularly those operations within your department/ division/ jurisdiction.
- Know the production requirements, scheduling requirements, servicing requirements, its equipment, etc.
- Know the reporting structure.
- Know management representatives, including the authority and personal traits of each.

LEGISLATION:

- Labour and other types. You may be concerned with either provincial or federal legislation depending upon your jurisdiction
- Although Stewards should learn the basic information about the various

Labour Laws, if they think the laws are being broken by their employers, they are to contact their Union office first for guidance, before they contact the particular agency.

- For Stewards dealing with bus operators, knowledge of the relevant Highway Traffic Act would be beneficial.

RESOURCES:

- Be familiar with any Employee Assistance Programs available
- Be familiar with WSIB consultants available to assist your members (including both internal and external)
- Be aware of the role and resources offered by ATU Canada
- Be aware of the role and resources offered by ATU International

AFFILIATIONS:

- Be aware of the following labour affiliations:
 - Canadian Labour Congress
 - Provincial Federations of Labour
 - Labour Councils

THE MEMBERSHIP:

- Get to know your co-workers!
- Be sure that you have a current copy of the seniority list. You will find that some workers present justifiable grievances while others are prone to complaining. By being a sounding board for your co-workers you will find out which ones are argumentative, which ones present good ideas, which ones are pro or anti-union and which ones may have problems outside of work which affect their conduct on the job.
- Recognize the skills your membership has to offer and enlist those skills.

YOUR UNION:

- Become familiar with the main provisions of the ATU Constitution & General Laws, ATU Canada By-Laws and your own Local's By-Laws.
- Review Union pamphlets (Right to Refuse, PIPEDA, A Better Life for School Bus Workers) and other ATU publications (*In Transit*, Harassment Policy, Legislative Updates, Press Releases and others) available on the atucanada.ca and/or atu.org websites.
- Utilize the database containing arbitrations and collective agreements for all ATU Locals available on the International's website (atu.org).
- Participate in courses and seminars sponsored by ATU Canada, the International, the CLC or by other Labour organizations.

YOURSELF:

- Know your strengths and weaknesses. No single person can do everything.
- Seek out advice and Information from your local officers, former stewards, stewards in other departments and, most importantly, from your members.

What tools (materials, information, etc.) does the Steward require?

- Your Collective Agreement
- Copies of appropriate company forms relating to grievances, disciplines, assaults, commendation, etc.
- A current seniority list of all members
- A current contact list of all members
- A current list of all committees and the committee members
- A current list of all jobs in the department/section and rates of pay for each job
- Copies of legislation (workmen's compensation, highway traffic act, unemployment compensation, hours of service regulations, privacy act for your province, etc.) relevant to your area of responsibility
- A current phone list of all union officers
- Employer's rules, policies and regulations (Keep a binder of all posted policies and regulations)
- Your Local's Bylaws
- ATU International Constitution & Bylaws and ATU Canada Bylaws
- Union membership application cards
- Membership Information update sheets
- Pen or pencil and pad or notebook
- Union notice board and website (If you have one)

MODULE 3

At the Member's Service

1) A new worker is hired in your department. What should you do?

- Welcome the new member and introduce yourself as a steward for the ATU.
- Provide them with an ATU Union card if they have not already received one.
- Invite the member to the union meetings. Tell the new employee the names and work locations of the stewards in the workplace.
- Explain the union dues, including that the dues collected by the local remain with the local. Canadian dues are collected in Canadian funds and held in Canadian banks. There is a per capita surcharge every month to support the activities of the International and ATU Canada. The per capita also pays for a number of services which directly benefit members, including the Funeral or Dismemberment Fund, the ATU Defense Fund, education, legislative initiatives, etc. Dues are automatically deducted from their regular pay cheque and are income tax deductible.
- Explain that Unions are not insurance policies where you pay your dues and expect someone to solve your problems for you. Unions are self-help organizations where the members work together in order to solve common problems.
- Let the new members know about *In Transit*, the International's membership magazine mailed directly to members' homes. Tell them about the International and ATU Canada's websites and the magazines, newsletters and other resources available there.
- Stress that it is important for members to contact the union office when they move regarding their new address. Note: informing the employer is not informing the union.
- Stress that stewards are the members' first contact when concerns arise.
- Ensure the new member understands the steward's role is:
 - to defend members against arbitrary acts of the employer;

- to encourage members to know and police their collective agreement;
 - to advise members when their rights are being violated;
 - to assist the members to ensure the workplace is a harassment-free zone, and to answer questions or concerns of the members;
 - to direct them to resources for personal problems;
 - to post notices and bulletins on union bulletin boards.
- NOTE: The Union should include language in the CBA which permits them to run an orientation session for new members.

2) A group of workers who didn't attend a special union meeting the night before want to know what happened. Most of these people never attend. What do you do?

- Be civil. Resist the impulse to say "If you're so concerned about what happened at the meeting then you should have been there!" While such a response might be tempting flippant remarks will only serve to alienate members. Remember it's your responsibility to tell them what went on at the meeting and that they may have a legitimate reason for not attending.
- Outline and summarize: Outline the key points of the meeting and summarize any actions taken or forthcoming.
- Encourage and inspire: Ask them for their thoughts on what occurred at the meeting and encourage them to attend the next meeting and to play a role in the running of the local.

3) Two members come to you with a complaint. After investigation you conclude that it isn't a valid grievance. They continue to insist that it is. What do you do?

- Sometimes it will be your job to tell a member that their complaint is not a grievance. There are ways to make the experience less uncomfortable for everyone
- Don't put it off. As soon as you've determined it is only a complaint, it's best to tell the worker.
- Make sure the worker, and no one else, is the first to know.
- Explain the issue fully. Choose a time when you both can talk in private and

without interruption.

- Go over the criteria for a grievance and why the problem doesn't meet the criteria.
- Explain the pitfalls of filing grievances on non-grievable issues. Many workers don't understand that the union will lose credibility with both its members and management if it files frivolous or impossible-to-win grievances.
- Acknowledge their feelings. As long as they're not hurling abuse at you, allow the worker the opportunity to express their feelings and let them know you understand that it is upsetting.
- Explain the steps in your local the member can take if they still believe their complaint is a grievance, such as speaking to a senior officer or taking their complaint to a membership meeting for review.
- Offer other ways to help:
 - Offer to go with the worker to the supervisor/management representative and have an informal discussion about the complaint. Be sure to document such discussions/meetings for future reference in case the problem becomes larger than first anticipated.
 - Offer to have an officer from your local discuss it further with them.
 - Enlist the worker to find out if others have experienced the same problem.
 - If the worker's problem is a personal difficulty, refer them to appropriate assistance services.

4) A woman in your department complains to you that a male supervisor has been sexually harassing her. After making it clear, repeatedly, that she was not interested in joining him for 'coffee' after work he continues to send her sexually themed email material. What do you do?

- Take immediate action: Notify your local's President Immediately In order to determine what role you should play, if any. Delays of even a few days can make the process more difficult and signal to the member that you are not taking the problem seriously. Arrange to discuss the issue privately, in a non-threatening area. If it is determined that you should proceed investigating the

complaint then the following would apply.

- Advise the complainant of her options: Most collective agreements outline the rights, obligations and procedures related to harassment. Use this Information to inform the member of her rights and talk about the procedure you will follow. In addition to this the member can also use the grievance and arbitration process, or file a complaint with the Canadian, or, relevant provincial Human Rights Commission.
- Arrange for another steward or officer to help with the complaint: If you don't feel that you have enough experience or training to handle the complaint on your own, ask for help. Discuss this option with the complainant.
- Talk to the member about possible actions: Has the complainant told the perpetrator to stop? Does she feel comfortable doing so, with your support, if needed? Does she want you to talk to the person, talk to a supervisor or file a grievance?
- Decide on a course of action: Usually, the first and most important thing a complainant wants is for the harassment to stop. Often, a complainant will prefer an Informal solution that does not involve a formal complaint or grievance. This route will usually provide the most privacy. Some complainants, particularly new and temporary workers, are fearful of reprisals, and the Union should respect their desire for privacy.
- If you think the matter is too serious to be resolved by an informal process, say so: If you think there are complicated Issues to be resolved, such as payment for damages, reinstatement of sick leave credits, cost of vandalized belongings, or the cost of medication or treatment, you should encourage the member to file a grievance. The ultimate decision, however, must rest with the member.
- Keep the process moving: Whether the complainant decides to take formal or Informal steps to resolve the problems, try to avoid delays that can stall the process and discourage the member.
- Respect the member's confidentiality: Explain to everyone Involved in the Investigation the importance of confidentiality and the damage that rumours can cause. Other workers may 'choose sides' which will make repairing the damage more difficult.

5) You've just filed a member's first grievance and she turns to you and asks "Will we win?" What do you say?

- Never Promise a Win: Irrespective of how strong the grievance is, it is unwise to promise a successful outcome. If the facts bear out in the case you could say that it looks like a strong case.
- Explain how grievances work: Explain the process that grievances go through according to your collective agreement. Outline all of the steps involved if it is not resolved at the initial step.
- Compare the chances of success with similar grievances filed in the past: Ask your local's more experienced stewards and/or officers about similar cases that they've dealt with in the past. Do some research in the local's files if permitted.

6) A supervisor comes to you and informs you that a problem is developing with three members within the department. She asks you to try to solve it before she is forced to take disciplinary action. What do you do?

- If you have a good relationship with the supervisor, she may just be trying to resolve the problem before it gets out of hand. If you don't have such a relationship, she may be getting you to sort out her problems for her. A steward should not enhance the supervisor's prestige by permitting the supervisor to use him/her as means of doing his/her dirty work, such as enforcing company rules or calling the worker down for minor abuses of certain privileges negotiated by the union.
- This is why you should endeavour to know all the supervisors with whom you have dealings, who is who, what is 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. The 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.
- Regardless, as a Steward you must be prepared to be a mediator between the employee and management in an attempt to settle any causes of animosity between them. It is neither to the employee's nor the manager's advantage to have an unresolved conflict within the department.

MODULE 4

Duty of Fair Representation

WHAT IS THE DUTY OF FAIR REPRESENTATION?

The Union, through certification or voluntary recognition, is established as the "exclusive" bargaining agent/representative for all employees in the bargaining unit. In exchange, the Union must fairly represent all employees in the unit, members and non-members alike. This responsibility applies in contract administration and enforcement (grievance handling and arbitration). The legal term for this is the "duty of fair representation". It is enforceable by legislation.

Both federal and provincial laws specifically set out such duty. These laws generally impose upon unions a duty not to act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees in the bargaining unit. The Union is required to fairly consider and weigh the competing interests of all employees in the unit it represents.

Arbitrariness Defined

Arbitrary conduct has been described as a failure to direct one's mind to the merits of the matter, or to inquire into or to act on available evidence, or to conduct any meaningful investigation to obtain the data to justify a decision. It has also been described as acting on the basis of Irrelevant factors or principles, or displaying an attitude which is Indifferent and summary, or capricious and non-caring or perfunctory. Flagrant errors consistent with a non-caring attitude may also be arbitrary, but not honest mistakes, errors of judgment or even negligence.

Bad Faith Defined

Bad faith in the context of processing grievances has been described as acting on the basis of hostility or ill-will, dealing dishonestly with the grievor in an attempt to deceive, or refusing to process the grievance for sinister purposes. A knowing misrepresentation constitutes as bad faith, as does concealing matters from the complainant and failing to provide counsel with all the relevant Information upon which to base a legal opinion and also failed to properly consider the legal advice.

Discrimination Defined

Boards have held that the term "discriminatory" is to be given a broad interpretation that encompasses all cases where the union distinguishes among its members without cogent reasons. The prohibition functions to prevent a union from distinguishing among members in the bargaining unit unless there are good reasons for doing so. The duty requires, in general, that like situations be treated in a like manner and that neither particular favour nor disfavour befall any individual apart from the others unless justified by the circumstances.

DFR: GUIDELINES FOR GRIEVANCE HANDLING

- Consider all grievances only on the merits and not based on the consideration of the Individual grievor.
- Investigate the grievance thoroughly
- Process the grievance promptly - do not miss time limits for filing and pursuing grievances.
- Take notes and keep written records.
- Keep the grievor informed.
- Treat all members of the bargaining unit the same.
- Have a valid reason for any action taken (or not taken) on a grievance.
- If the grievance clearly lacks merit and cannot be won, drop it.
- Settle grievances where appropriate.

THE UNION'S DUTY OF FAIR REPRESENTATION

1. The following are some general principles of the law of unfair representation:
2. Under the law, the union has exclusive representation rights if a member
 - a. in a bargaining unit is aggrieved, the member should go to the union for relief. Customarily s/he files a grievance, or attempts to do so. The courts have made it clear that the union does not have a duty to take every case - not even every discharge case - to arbitration. It does have they duty to accept a grievance, unless the grievance is, on its face, worthless and Improper, and even If It concludes that a grievance should not be accepted. It should explain why to the aggrieved employee. While the union has no duty to fight every case it does have certain duties which may make it legally responsible. Those duties are to be honest. To act in good faith, to be non-discriminatory,

to be informed, and to have a rational basis for making a decision. In other words, the union owes a duty of "fair representation" to all those in units which it represents.

3. The union is accorded considerable discretion in the handling of grievances.
 - a. In other words, the union is permitted "a wide range of reasonableness" In deciding whether to prosecute and how to prosecute a grievance.
4. The latitude afforded a union under the law, however, is "subject always to a complete good faith and honesty of purpose in the exercise of its discretion."
5. No Individual member has an absolute right to Insist that his or her grievance be pursued through any particular step of the procedure. A union may screen grievances and press only those it concludes should be pursued In terms of benefit to the unit as a whole and to take into account such matters as time, expenses, and other considerations.
6. A union may not drop a grievance based on hostility, discrimination, or arbitrariness. It may not arbitrarily ignore a meritorious grievance or investigate/handle it in a perfunctory manner - that is, by merely going through the motions.
7. In other words, a union may abandon a grievance as long as there is a reason and the union has a reasonable basis for adopting the reason. Mere whim, or no reason, will not support a contention that the union official merely exercised judgment.
8. Here are some examples of conduct which might appear to violate the union's duty of fair representation:
9. Discrimination. An all-male shop committee decides not to appeal a discharge grievance by the leader of a female caucus within the local which is hostile to the incumbent administration. Nor may a distinction be drawn between union members and non-members.
10. Arbitrariness. An International representative or a committeeman withdraws a grievance, but when asked why, can offer no reason.

11. Hostility. The chairman of the shop committee has a personal grudge against the grievor, and brings pressure upon the committee to withdraw the grievance.
12. Dishonesty. The chairman misleads half-informs, or lies to the grievor.
13. Most courts require the exhaustion of reasonable internal union remedies before suit. In order to rely on a defense of non-exhaustion of such remedies, the union must take care not to mislead the member or place obstacles in his or her way so that the internal remedy can be said to be meaningless.
14. The union should try to avoid even the appearance of bad faith, hostility, or arbitrary conduct.
15. Obviously, the union people handling grievances should distinguish between minor and serious grievances. A reprimand of three days seems unlikely to lead to litigation, by such matters as a six-month layoff, a discharge, the loss of seniority or valuable transfer or promotional rights are obviously serious enough to require more care. It's similar to the difference between a misdemeanor and a felony.

In a case of the discharge of a high seniority person, the presumption is in favour of arbitration and only compelling facts involving the actual case should excuse resort to arbitration. A union representative is first and foremost, an advocate. Where there are factual disputes, the union officer who represents the grievor should accept his version of the facts, if credible.

Questionnaire (True or False?)

1. The Griever has a right to have the Union's lawyer represent him/her through the grievance procedure. (T / F)
2. The Griever has a right to have his/her own lawyer represent him/her through the grievance procedure. (T / F)
3. The Griever has a right to have the Union's lawyer represent him/her through the arbitration procedure. (T / F)
4. The Griever has a right to have his/her own lawyer represent him/her through the arbitration procedure. (T / F)
5. The Union does not have the right to accept a settlement which a Griever does not want. (T / F)
6. The Union does not have a duty to represent a terminated employee because such employee is no longer in the bargaining unit. (T / F)
7. The Union is legally obligated to represent members only. (T / F)
8. The Labour Board can order that a grievance proceed to arbitration even after time limits have expired under a collective agreement. (T / F)
9. A Union may not agree to a contract provision that benefits one group of workers more than another group. (T / F)
10. If the Union was wrong in its interpretation of the collective agreement it will be guilty of a breach of the duty of fair representation. (T / F)
11. A Union representative should keep a written record on every grievance case. (T / F)
12. If a grievance is filed late (beyond the contractual time limits) this violates the Union's duty of fair representation. (T / F)
13. The law gives an individual employee the right to have his/her grievance taken to arbitration. (T / F)
14. A Union may refuse to arbitrate a case based on the potential cost of arbitration. (T / F)

15. If one or more employees have conflicting claims (i.e. as in a promotion dispute or a harassment dispute), the Union must take a neutral position and cannot pursue one griever's claim over another. (T / F)
16. If a Union loses a duty of fair representation suit, It Is the employer who must pay back wages to the wronged employee. (T / F)
17. The Union Is obligated to pursue a civil suit on behalf of a member for benefits payment if the collective agreement provides for benefits. (T / F)
18. The Union is obligated to pursue a criminal case on behalf of a member if the charges arise from a work-related incident. (T / F)
19. The Union Is obligated to pursue a WSIB/WCB claim on behalf of a member, where the Injury arose at work. (T / F)

MODULE 5

Grievances Defined

- A grievance is a suspected violation of the collective agreement. You do not, however, have to be absolutely certain that management has violated the contract in order to lodge a grievance.
- In fact, there are many instances where it is not clear at all that management may have violated the agreement. This is because no collective agreement can possibly provide for everything that could happen in the workplace.
- A grievance is more than likely a violation of an employee's rights on the job, a right that is usually, but not always defined by the contract. In seeing a grievance in this way, we can understand better that the best place to look for a way to defend the member is in the language of the contract.
- The message in this is clear. Do not dismiss a member's complaint just because it doesn't appear to be covered in the contract. Unless you know from previous experience (or because you have been told by a union representative) that something is not a grievance, don't assume that it isn't.
- That is why it is so critical to know your agreement and use it as creatively as possible to write grievances. Many local officers have surprised themselves by grieving issues on language in the agreement which is close enough to the problem to get a positive response from management.
- Is the contract the only means to resolve member's grievances? Of course not. But it is, generally, the foundation for filing successful grievances.
- To determine the legitimacy of a grievance and distinguish it from a complaint put it to the following test:
- In this case has management:
 - Violated the collective agreement?
 - Violated a provincial or federal law?
 - Violated a past practice?

- Violated the individual's rights?

If the answer is "yes" to any of the above you're dealing with a legitimate grievance.

NOTE: Past practice is roughly defined as a practice that has been repeated over a period of time. It's not something that has happened once or twice or that has been in place for a week. It is a practice which has been going on for enough time and so frequently that it appears to a reasonable person that both sides have agreed informally to conduct their business in this manner.

- Cases involving employee benefits or privileges make for strong past practice grievances. But, in most situations, it's much harder to argue "past practice" when employers change methods of operations or introduce new technology. Other contract language may be helpful (like a requirement to give the union notice about changes), but the argument that "we've always done it that way" probably would not work in those cases.
- Being aggressive--and timely--in defending your contract can help stop management from using past practice as a defense against a union grievance. If workers wait years to file a grievance against a new management policy that isn't directly addressed in the contract, management may argue that it has become a past practice. This is why it is very important to challenge management actions right away when you think they may violate your rights.
- The best advice is that stewards should not take it upon themselves to grieve on the basis of an employer violating past practice. Discuss the issue with other union officers. There may be language in the agreement to the contrary, or the union may lose too much by challenging the change in practice.

When is a Complaint Not a Grievance?

- If the management has not violated anyone's rights, there is no grievance. But there may be a real complaint and it is part of the job of the steward to deal with complaints as seriously as you would a grievance.
- Personal Troubles and Requests for Advice: You will often find that people want to confide in you. Treat them sympathetically, try to help them and keep confidences strictly to yourself.
- Complaints About Fellow Workers: Personality conflicts happen everywhere and if you hear complaints from one fellow worker about another, you should attempt to help resolve the conflict without involving management. However if one member of the union is harassing another (for example, sexual harassment) you have a duty to try to stop it. If you are unsuccessful, speak with your union officers. This sort of complaint becomes a grievance if management gets involved when it shouldn't, according to the contract or past practice - or it doesn't get involved when it should.
- Complaints about Government Agencies and Local Bodies: Complaints against such agencies as Workplace Safety and Insurance Boards or Employment Insurance offices are not grievances. You can direct the member to the particular agency's/office's appeals procedure and/or the federal or provincial ombudsmen's offices in order to rectify a perceived wrong by such an agency.
- Complaints against the Management not Covered by the Contract: There may be cases you have to face which do not involve an injustice, do not violate past practice and are not covered by the contract. It still may be possible to remedy these complaints by informal discussions between the union and the employer. Consult your local's union officers before proceeding.
- Complaints Against the Union: It is up to you to explain to the complainer what his/her rights are under the rules and constitution of the local and international union. Sometimes your job will be to deal with complaints; at other times it will be to persuade a member that he/she has a complaint not a grievance. You must always explain why there is no grievance. If your member still does not agree, you should refer him/her to a senior union representative and also outline the process in your local by which your decision can be appealed.

MODULE 6

Types of Grievances

We can classify grievance according to where they come from and how they arise. But we can also look at them according to who is affected.

Individual Grievance

- Most grievances affect only a single Individual. Even so, you as a steward should be filing the grievance, not the employee on his/her own. It is in the interest of everyone in the union that the grievance is handled properly, bearing in mind the interests of the union as well as those of the grievor. When an individual's rights have been violated and he/she 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 invariably false. (Do you know why?)

Group Grievance

- This is where several employees have been affected the same way at some time by the same complaint. For example, management makes a change in an incentive system; this would affect all those who worked under the system. Or, management changes the starting time for steady dayshift workers; this would affect all who work on steady days. Or, management sends home all who work in a particular area, when they report on a given day, and then fails to pay or refuses to pay a reporting allowance as required by the collective agreement. It is this group of employees, and only this group, who are affected by this action. Clearly, they should grieve the matter as a group rather than proceeding by way of individual grievances; hence, the group grievance. It is important to note that the group must be clearly named or defined. Many collective agreements refer to group grievances and often provide for filing them as such at a stage above Step in the process.

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 are often 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(s). Hence, policy grievances will flow from a grievance committee decision. 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 dayshift 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 an effect on the local union at some point in the future and the union must challenge it.

- It is important to note that redress in these types of grievances may be limited to declaring the correct interpretation, application or administration of the collective agreement; or declaring that the collective agreement has been contravened and requiring the employer or the bargaining agent to interpret, apply or administer the collective agreement in a specified manner from that point onward.

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 management failed to deduct union dues as specified by the collective agreement. In other cases, the union grievance is one in which the union considers its rights have been violated and not just the rights of individuals in the bargaining unit.

Management Grievance

- A management grievance is where management complains that the union has violated the CBA. The most common type is because of an illegal or "wildcat" strike where management complains that the union authorized, condoned or instigated the strike. Such grievances have been successful in not only finding the union culpable in some instances but also in collecting damages

for losses claimed as a result of the illegal strike.

Grievances and the Law

- Every Labour Code, Labour Relations Act or Trade Union Act in Canada contains a provision for final and binding third-party arbitration which gives the union the right to process a grievance in cases where the union deems it necessary to do so. If the employer ignores the grievance by not giving an answer as required by the collective agreement, then the union may advance the grievance to the next stage, and the next, until the Issue Is before an arbitration board. The arbitration board will then make the determination whether the grievance is properly before the board.
- It is important to note that undermining or violating the agreed grievance procedure is itself a grievance and should be filed.

As a Shop Steward, you will usually be handling individual grievances. However, you should be aware that in some circumstances the group grievances is the best route to follow. Also be alert to possible violations of the agreement that call for a policy grievance. While the Union will see to Union grievances don't forget that the grievance procedure works both ways - when the employees violate

the agreement the employer has the right to file a management grievance, and sometimes these grievances have expensive consequences for both the employees and the Union.

Grievance Subject Matter

Generally, grievances fall into the following categories:

- Wage grievances - including incorrect pay rates, improper classifications, premium pay inequities, previous experience not recognized, failure to pay increment increases.
- Assignment of worker grievances - including improper promotions, demotions or transfers, vacancy posting discrepancies, improper relief assignment.
- Disciplinary grievances - including five categories of defense that unions raise on behalf of a disciplined employee:

1. INNOCENCE: the employee did not do it (e.g. the member was not on duty when the event occurred);
2. APPROPRIATENESS: the discipline or its severity was inappropriate to the individual and or/circumstances;
3. UNIFORMITY: employees have not been treated consistently under similar circumstances;
4. UNREASONABLE RULE: the employee was not properly informed of management's standards;
5. PROCEDURAL ERROR: management failed to handle the case properly.

It is important to note whether your contract provides an employee with the basic right to have a steward present at a meeting where a written warning or more serious discipline may result. If an employer did not inform an employee of this right, any disciplinary action by that employer may be overturned in an arbitration proceeding.

MODULE 7

Grievance Investigation Procedure

The grievance procedure can be adversarial. Members who initiate grievances are taking a courageous step, which will require support and encouragement from their steward and co-workers.

Many people try for a quick solution or early fixes. An experienced union leader knows that the quick solution is not necessarily the best solution. There are often many possible 'solutions' to any given problem, but some cause more problems than they solve.

The first step is an interview meeting between the steward and grievor. The purpose of the interview is to discover the facts of the complaint, determine whether the matter is grievable, and ensure that the member feels their complaint is being heard.

The Interview

At this initial Interview, It's important to:

- respect confidentiality;
- speak in a private place;
- tell the griever to be precise as possible when relating the facts (actual quotes may be very Important) and write down the facts as told to you;
- question points you don't understand, press for all the facts, and discuss potential witnesses;
- get a written statement from the griever (written statements at the time of initial complaint can help refresh the memory at arbitration).

The Investigation

If a steward is going to follow-up the problem, he or she has to be sure what happened. We must use the same Investigative skills that any Investigator -- be it an Insurance claims officer or a police officer -- uses. We ask and answer the 'Six W's' which comprise the primary steps on the Union Fact Sheet.

WHO?

You should review and identify all the employees affected by the problem. They can be identified by name, or by description of the group they belong to. It's also a good idea to inform affected parties of the possible grievance going forward.

WHAT?

First, and foremost, you'll want to get a clear sense of what really happened. For cases involving discharge or discipline, ask the griever whether they suspect their employer has provided the real reasons for their actions, or if they suspect other motives. Don't be afraid to test the griever's version of the truth. It's best to identify any inconsistencies upfront. Talk to witnesses, and those who may be involved, or might know something about the cause of the complaint. **Keep good written notes.**

You'll also need to ask yourself:

- What does it say in the collective agreement or other relevant legislation?
- What are the past practices in this area? Have there been previous grievances or arbitration awards related to the same matter?
- What kind of evidence will I need to win this grievance?
- What does the griever really seem to want out of this?

If necessary, review department records, including seniority lists, personnel files, performance appraisals, conduct materials, e-mails or other electronic musings, absentee or medical records, as well as any other facts on department policy or directives that may be relevant.

WHEN?

It's a good idea to state, in general terms, when the event or incident took place. This will help management, or an arbitrator, identify the event you are describing. Be aware of grievance time-limits. Most collective agreements contain mandatory time limits for initiating a grievance, usually starting from "when the employee first became aware" of the problem. When in doubt, always file a grievance to protect time limits. Advise the griever that their case is being filed to protect their rights, and can always be withdrawn if there is little chance of success. If time limits have been exceeded, then determine the cause of the delay, but don't abandon the grievance. Arbitrators have jurisdiction to relieve breach of time limits if there is good reason.

WHERE?

Note the location where the disputed incident may have taken place, including which department, aisle, vehicle, building and/or at which piece of equipment.

WHY?

In explaining why a particular action is a grievance, it is often helpful to refer to articles in the collective agreement. For instance, it is not helpful to state that "Mary Chan was placed at Increment 2 of the salary scale." The case should be stated as, "in the Union's view, Ms. Chan should have been placed at a higher Increment level pursuant to the previous experience clause of the collective agreement."

Sometimes, the actions of management are Improper, not because they are specifically prohibited in collective agreement language, but because they constitute actions which are arbitrary, discriminatory or unreasonable. This allegation should be noted in the agreement as well.

Various statutory or legislative provisions form a part of your collective agreement (*Labour Relations Act, Workers' Compensation Act, Human Rights Act*). These provisions could affect the Interpretation placed on the collective agreement, and you may want to note on the grievance that the employer's actions have also violated a particular piece of legislation.

WANT?

What the grievor wants to happen to rectify the situation is usually called the "remedy" or "settlement". If an employee has lost earnings and/or benefits as a result of management action, then the remedy will commonly include compensation with full retroactivity.

It's always important to draft the grievance broadly and keep options open. A grievance ought to request everything that might possibly be proposed during settlement discussions. If specifying the clause in the collective agreement that has been violated be sure to include the phrase, "...and/or any other clause in the collective agreement which may be applicable."

Checklist for Getting the Facts

1. Interviewing the Worker - Do you have the following Information?

- Worker's name, location, shift, clock or badge number, job, wage rate, seniority, current address, home and work phone
- Names of other workers Involved
- Name of Immediate supervisor and other management people involved
- What are the circumstances: What happened or failed to happen? What did management do {or fail to do}? Are there witnesses (if needed)? What did management say - who said it? Are there witnesses, if needed?
- When did it happen? Date, shift and hour
- What does the worker say about his/her record? Any record of discipline? Any employer awards or commendations?
- Attendance and lateness record
- Attitude (has management made this an issue in the past?)
- Any oral warnings?

2. Information From Other Sources

- What section(s) of the contract apply?
- Check with grievance committee or other union officers on whether there had been similar cases
- Check with other workers on facts (same shift, other shifts, other locations)
- Inspect any equipment or material involved in the grievance
- Have workers provide copies of any documents involved (check stubs, order sheets, written assignments)

- Obtain relevant information from management (previous discipline, medical data, job assignments, employment)

The Basic Steps in Grievance Preparation

1. Is the grievance legitimate? Decide on which of the following are involved:
 - a. Violation of a specific contract provision
 - b. Violation of an established practice
 - c. Violation of an employment related statute
2. Get the Facts:
 - a. Separate fact from opinion. Take no Information for granted. CHECK IT OUT!
 - b. Talk to all the persons involved In the grievance
 - c. Use the "Five W" system of Interrogation. (Who, What, When, Why, Where, etc.) Do not forget to investigate the sixth "W" to find out what all the parties involved want.
 - d. Test your facts in every station.
 - e. Don't try to memorize your factual information. Write It down In language as clear as possible
 - f. Develop a dialogue with yourself. Ask yourself questions about every aspect of the grievance. You will be surprised how effective this self-questioning process is in helping you dig out the facts!
 - g. Collect as many supporting documents as you can to confirm your facts.

Remember! Most grievances that arise in a contractual relationship represent disputes on facts, rather than argument on principles. In most cases, the facts - those that are clear and unshakable - will settle your grievances successfully.

3. Develop your Supporting Arguments:
 - a. Is the contract provision clear enough to rely on just the bare language

- of the contract?
- b. If not, what does the past practice show that may establish the intent of the contract?
 - c. Can you find similar grievances of record settled previously in the Union's favor?
 - d. Look at all your options and consider all the possible ways to get relief.
 - e. Look at the situation from the perspective of the other side.
4. Watch your delivery! Armed with facts and supporting arguments, you can still lose a grievance with poor and ineffective presentation.
- a. Identify the grievance and present your facts to the foreman.
 - b. Be a good listener. How can you break down a foreman's reasons for denying a grievance unless you hear fully what he says?
 - c. Don't bluff or make empty threats. Eventual exposure will show that your bark is louder than your bite and just as ineffective.
 - d. Don't lose your temper. Blowing a gasket doesn't make a fact stronger!
 - e. Don't permit the foreman to delay answering your grievances. There is nothing more discouraging to a worker than bogged-down grievance machinery.
 - f. Settle grievances on their merits. Do not horse trade. Your "body of law" or "settled meanings" of contract language for future settlement grievances comes only from settling matters on the basis of equity and fairness.
 - g. Don't allow yourself to be swayed with side issues. Stick to the Unions' position until it is proven wrong.
 - h. Keep your ranks solid. Don't allow your fellow workers to argue in front of the foreman.
 - i. Report back to your fellow workers. This helps to firm up the Union's position, as well as educate your members on their rights under contract.

5. Write up your Grievance with Care

- a. Don't write your grievance as if you were writing a book or a "wish you were here" note on a post-card. Use whatever language is necessary to be concise and adequate to express your facts.
- b. Use the "SIX W's" as a starter to get the basic facts.
- c. Observe your time limits' many cases are lost just from filing too late.
- d. Make sure the request or relief sought is clear and to the point.
- e. Be careful you do not mistake opinion for fact, or that you write arguments into your grievance when only facts are called for.
- f. Cite the part of the contract violated - the exact article and section, if possible.
- g. Keep records of all cases handled. They may be valuable for future settlement of grievances.
- h. Writing the grievance will be explored in more depth in the next module.

Sources of Information

1. People who may supply Information:
 - a. The person with the grievance
 - b. His/her fellow workers
 - c. Other witnesses: Grievant's doctor, family, etc.
 - d. Fellow union representative
 - e. People with special knowledge: International staff, lawyers, engineer, etc.
 - f. Company management: Foreman, Supervisor, Personnel Manager, etc.

2. Company Records:

- a. Seniority list
- b. Production records - scrap records, etc.
- c. Personnel files
- d. Medical records
- e. Company rules
- f. Pay

3. Union Records:

- a. Minutes of negotiations
- b. Contract
- c. past grievance
- d. Letters of agreement
- e. Past practices recorded
- f. General files of the history of contract and Union-Management relations

4. Other:

- a. Federal and provincial statutes
- b. Other Unions
- c. Industry Practices
- d. Newspapers and Periodicals
- e. Technical data
- f. Arbitration cases

Two elements make information useful in grievances. They are:

1. Can the information be measured accurately?
2. Is the meaning of the Information clear, or must further investigation determine the meaning?

Can information be measured?

There are many ways of measuring Information. Distance can be measured In Inches, feet, yards, miles, etc. Time is measured in seconds, minutes, hours, days, years, etc.

Some others include:

- Measurement Seniority (Years, month, and days)
- Medical records (Number of reported injuries in past period, hours lost from work, kinds of Injuries)
- Absenteeism (Number of days lost)
- Tardiness (Number days tardy, number of hours lost from work Units produced)
- Production (Units produced)
- Scrap record (Amount of scrap or value of scrap)
- Other jobs held (Job titles, period of time on each job)
- Education and Training (Years in school, training programs attended, courses taken)
- Written reprimands (number, kind of violation)

ATU Canada Union Fact Sheet

For the Union Only

To be filled out by the Steward and attached to the UNION COPY of Grievance Form Only
Management should never be given access to fact sheets or your records of meetings with them. **Please Print.**

WHO? Is involved in the Grievance? Grievor?

Name:

Phone #:

Department:

Job and Class:

- Full Time/ Part Time/ Rate:

Seniority:

- Start Date:
- Seniority Date:

Employment Status:

- Currently / Employed/ Suspended/ Discharged / Laid Off

Supervisor or Other Management Involved:

Unit/Dept. Supervisors'/ Managers' Name:

Unit/Dept. Name and Number:

Unit/Dept. Phone Number:

Witnesses or Other Persons Involved:

- Name:
- Department:
- Job and Class:
- Phone Number:

- Name:
- Department:
- Job and Class:
- Phone Number:

WHAT? Happened? What is the grievance about? (Make sure to indicate any points mentioned on the check-list for each type of grievance.)

WHEN? Did the grievance occur? (Date and time grievance begin? How often? For how long? Is it within the time limits to proceed with a grievance?)

WHERE? Did the grievance occur? (Exact location: department, vehicle, machine, aisle, job number, etc. include diagram, sketch, or photo is helpful)

WHY? Is this a grievance? (Violation of contract? Supplement? Law? Past practice? Safety regulations? Rulings or awards? Unjust treatment? Etc.)

WANT? Grievance settled and redress in full (adjustments necessary to completely correct situation, in case of discharge ask for back pay)

Company Contends

Company record of conduct: (Warnings and/or penalties for lateness, absenteeism, quantity or quality of work, etc.)

Verbal Warnings issued:

• Dates:

• Reasons:

Written Warnings issued:

• Dates:

• Reasons:

Penalties imposed:

• Dates:

• Reasons:

Any related information?

Additional Materials to attach:

- Information given by witnesses (Print the name of each witness followed by a summary of what each saw and heard; get a signed statement if necessary.)
- Documentary Evidence (seniority list, wage schedule, record of similar grievances, etc.)

Date

Signature of Steward

Signature of Aggrieved Employee

Handling Grievances: Hints for Stewards

- Know your membership
- Encourage the membership to steer all grievances toward the Union
- Know your collective agreement
- Get all the relevant facts about a grievance and record them; consult the contract, employer records (e.g. in discipline cases), union records (e.g. records of past grievances), other stewards and union officials, the supervisor (if necessary), arbitration awards (especially in "borderline" cases), federal and provincial laws
- Make sure the grievor knows what the issues are
- Separate personal vendettas from real grievances and remedies
- Plan and prepare your case at every stage
- Brief your member before every meeting you both have with management
- Present a united front when meeting with the management, especially if you meet as a committee
- Try to settle the grievance early on, if possible, before filing. The grievor wants a settlement as soon as possible and the higher it goes, the tougher it gets because of upper management resistance to overrule their supervisors
- Discourage members from discussing a grievance with management after the union has become involved
- If you have to hold a meeting with a manager on your own, explain to your member why you are doing it and what you expect to get out of it
- Listen to the employer's side - record their arguments
- Try to get management on the defensive - get the employer's answer in writing
- Don't try to prove that the employer has done wrong; make them prove that what they have done is right
- Try to anticipate management's position
- Be firm without being discourteous; don't lose your temper; don't go see the supervisor when you are mad; don't be timid or apologetic either -it's your job to fight for workers' rights
- Don't bluff: if your bluff is called, you will lose the case and your credibility
- Show respect but demand equal respect

- No deals; no horse-trading; don't get side-tracked - each grievance stands on its own merits
- Keep your member(s) informed at every stage
- Be honest with everyone concerned
- Try to retain your members' confidence at all times
- Discourage your membership from processing their own grievances and never settle privately with management
- Be a good speaker and a good listener, both with management and with the membership
- Be a good winner and a good loser. Use the experience as a learning tool to better prepare yourself for the next time
- It is not who is right. It is what is right

MODULE 8

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 and is for the union only. 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 will enable the union to recall important facts months later should case reach arbitration.
- The written grievance should contain no more than two parts. In fact, you can often write a two sentence grievance - one for each part. It may be written like the following example:
 - Statement of grievance: Unjust Discipline
 - Settlement required: Full redress.
- If you specify the clause of the collective agreement in dispute, 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 time to sit down and think up the best way of defeating your approach with stronger counter-argument. "Don't spill the beans." Hold back the supporting Information - the additional facts and arguments that back you up - until the time is right.
- 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.
- 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 management, a copy for the aggrieved employee, and a copy for yourself.

REMEMBER:

1. The grievance should contain:
 - a. A protest against some unfair action or condition that has been violated.
 - b. A request for correction of violation and redress in full.
2. All other information about what happened and any other information or documentation, such as witness accounts, is written on the Fact Sheet. The union's position does not belong on the written grievance.
3. Once a position is down on paper in black and white, it cannot be changed if a better position is found. A written record is rigid and permanent - you cannot take it back. Yet the very nature of grievance handling demands flexibility which a written grievance does not have.

So, when you write a grievance, don't try to wind up with a magnificently impressive document designed to overpower the company through the sheer weight of its contents. Don't pile statement upon statement and don't take a position. Just write down the main fact about why you are grieving on behalf of an employee, plus the action you want from management.

In short, keep it short and sweet.

Some principles of Grievance Writing

1. Use Planning Techniques. Although they may seem like extra work until they become automatic, they will save you time by defining the issues, identifying what you want and how to get it.
2. Keep Documentation out of the Grievance Form. Have it ready in the grievance analysis. The facts will be ready to support the Union's contention when or if you need to introduce them into the grievance procedure.
3. Use Short, Positive Statements to Write the Grievance. Long sentences are hard to read. They can be tedious and irritating to the reader. Often, after you've strung a long series of thoughts into one big "super" sentence, the whole statement is incoherent.
4. Use Simple Descriptive Words. Stick to good plain speech and leave legalistic writing to the lawyers.
5. Use the Objective Approach. Use the third person to describe behavior without moralizing. A grievor has a better chance of winning if the case is described in language that is free of "blaming" words.
6. Request Full Compensation. In stating the demand, don't ask for anything less than full compensation. Use phrases like "made whole."
7. When Stating Specifics, Use Terms Like on or About January 13, 1999. This protects the grievance from being invalid due to a technical error.
8. Don't Limit the Union Position to a Single Section of the Contract. "This case violates the collective bargaining agreement, including but not limited to, Article 7, Section 12.
9. Thoroughly discuss the grievance with grievor. Have the grievor sign the grievance.

Remember, always prepare grievance on the assumption that it is going to arbitration.

Remember, grievances should be concise, stating the grievance and requesting a remedy. **SAVE PROOF, ARGUMENT, AND DOCUMENTATION FOR FUTURE STEPS.**

MODULE 9

10 Secrets of a Successful Grievance Presentation

1. HAVE A PLAN

Shooting from the hip when going into a grievance session is dangerously close to shooting yourself in the foot! Meet with your grievor beforehand. Review all of the documents and arguments with them. Decide on your best evidence. Talk about strategy- the plan for how the meeting is likely to go. Know what your desired outcome is.

If your griever is going to testify, go through a rehearsal. Ask all the questions that you think management may ask when they try to undermine his/ her testimony. Make sure that the answers are what they should be.

2. NO SURPRISES

Make sure you know everything about what happened in the case. Nothing destroys a game plan more than finding out new information in the middle of the grievance hearing; for instance; like witness you didn't know about, discipline, or prior warnings, etc.

3. DON'T LOSE YOUR COOL

If you want to maintain control of the meeting, start by maintaining your self - control. That's not to say that anger or emotion cannot be effective tools for you to use, but don't be spontaneous. Any outbursts should be part of your plan.

4. BE REALISTIC ABOUT YOUR CHANCES

Understand going into the session whether you are in a strong position or a weak one. What does your contract say? What about the law or enforceable policies? If the facts or precedent are clearly on your side, don't give an inch until you want to.

5. KNOW WHERE THE OTHER SIDE STANDS

Put yourself in the employer's shoes for a minute and think about how they will present their arguments. Consider how they will defend their actions and know before you walk into the room what your response will be to their presentation.

6. DON'T GET PERSONAL

You want to challenge management's actions, but don't want to attack other people personally. If you make it personal, it's harder for the other side to agree that you are right. If management makes it personal, don't get baited into a shouting match. Don't let your grievor call management any names; for instance, "My Foreman Frank is a stupid clown" no matter how true it is. It will only help prove their claim of pattered of inappropriate conduct on the part of the grievor.

7. ASK QUESTIONS

Look for inconsistencies in management's arguments and pick them apart. Don't let them off the hook if they offer evasive answers. Be persistent if their side of the is absurd and nonsensical - chances are there will a contradiction in their arguments, witnesses, evidence and/or statements. Find them!!!

8. HAVE NOTES - TAKE NOTES

Never go into a grievance meeting/hearing without a written outline of the facts you will be presenting, along with the back-up evidence. During the hearing, take good notes- especially when management is making their case. Nothing slows a supervisor down more than knowing you are writing down what they are saying, word for word. Good notes will also help you prepare if you need to appeal the case further.

9. HAVE WRITTEN EVIDENCE

It's a fact of life - people are more likely to believe something if it is written down. It has historically worked and it will work for you. If you have copies of relevant documents, hand them out at the hearing. If your case entails a specific chronological history of events, type it out and distribute it. Written documents easily become the point of reference for it out and distribute it. Written document, then you are controlling the discussion.

10. STAY UNITED

Never disagree among yourselves during a grievance hearing. Be especially careful if management asks a question which you didn't anticipate. Feel free to call for a caucus so that you can step outside and discuss something in private with your grievor. Never show management that there is anything but full agreement on your side of the table.

Appendix

What is Harassment?

Harassment is any behaviour, comment or gesture that is offensive, humiliating, abusive, threatening, repetitive, or which has an adverse effect on a worker's employment. Examples of harassment can include jokes, displays of pornographic material, calling attention to parts of women's bodies, repeating racial stereotypes, racial or homophobic slurs, hitting, slapping or pinching, laughing at people who are differently abled. Whatever form it takes, harassment has two key components: it is unwanted and it has a negative effect on the member's job.

Harassment is driven by prejudice and discriminatory feelings often towards women, lesbian, gay, bisexual and transgender people, people of colour, people with disabilities, aboriginal people, people who are differently abled and other marginalized groups in society.

Harassment is violent. It can be physically, verbally or psychologically violent and has serious effects on the target of harassment, witnesses, co-workers and family members. It can create an unsafe workplace where the target of harassment will seek violent retribution.

Harassment is illegal. Workers who are being harassed can file a grievance and/or a complaint with the Human Rights Commission of Canada or their provincial one.

In cases of physical and/or sexual assault, criminal charges can be laid with the police and civil charges can be taken to court.

Why must unions fight harassment?

Justice. Harassment and discrimination are wrong. The ATU is a union committed to social justice and equality for all members of society. Harassment is a direct threat to those values.

Solidarity

Our strength is in our solidarity. Harassment prevents us from working together to fight for better wages, safe working conditions, and justice in the workplace, society and in our union. Sexism, racism and homophobia divide us from our natural allies—other workers. When we allow harassment to take place, we condone all forms of discrimination and ultimately weaken the union.

Health and Safety

Harassment can create health and safety problems. It can lead to physical, emotional and social distress, ranging from headaches, indigestion and insomnia to

high blood pressure, clinical depression and suicide. Poor concentration and fatigue are common side effects of harassment, which can lead to workplace accidents and injuries. In extreme, but not unprecedented cases, it can create an unsafe workplace where the target of harassment will seek violent retribution.

Job security

Finally, it can be a job security issue. People who are being harassed may be disciplined for workplace accidents, mistakes or increased absenteeism. Sometimes, they may decide to quit to escape an intolerable situation.

Creating a harassment-free environment

Employers have the primary responsibility for providing a harassment-free environment. Employers are also responsible for harassment of employees by non-employees, such as clients, customers, or contractors. However, the union plays an important role and must ensure that any incidents are dealt with promptly and effectively.

As a steward, you should lead by example. You have a responsibility to help create a safe and supportive environment where members can approach you with their concerns. Your action or lack of action can have a direct impact on the work environment. For example, if you do not challenge a sexist or homophobic joke or a racist remark (or, worse, if you are the one making the comments) other members will probably not feel safe talking to you about harassment or discrimination.

Policy on No Harassment

ATU Canada wants to provide a harassment free environment at all ATU activities.

We have democratically passed tough, meaningful, anti-sexual and anti-racial harassment policies at ATU Canada Conferences of our Union. They are not just words. We take them seriously. We have and will act on them as well as any other form of harassment.

Mutual respect must be the basis of interaction among trade unionists in addition to co-operation and understanding. The ATU will neither tolerate nor condone behaviour that is likely to undermine the dignity or self-esteem of an Individual, or create an intimidating, hostile or offensive environment.

Harassment is not a joke. It is cruel and destructive behaviour that creates feelings of uneasiness, humiliation and discomfort.

It is an expression of perceived power and superiority by the harasser(s) over another person, usually for reasons over which the victim has little or no control; sex,

race, age, creed, colour, marital status, sexual orientation, disability, political or religious affiliation, or place of national origin.

Harassment can be defined as any unwelcome or unwanted action by any person, whether verbal or physical, on a single or repeated basis, which humiliates insults or degrades.

Any "unwelcome" or "unwanted" in this context means any actions which the harasser under any circumstances knows or ought to know, are not desired by the victim of the harassment.

Prohibited grounds under the federal and provincial human rights acts/codes
Include: race, ancestry, national or ethnic origin, citizenship, creed, colour, religion, age, sex, sexual orientation, marital status, same-sex partnership status, family status, disability, record of offences, and conviction for which a pardon has been granted.

For the purpose of this policy, racial and sexual harassment is defined as follows:

Racial Harassment: Any unwelcome or unwanted comments, racist statements, slurs, and jokes. Racist graffiti and literature including articles, pictures and posters.

Sexual Harassment: Any unwelcome or unwanted attention of a sexual nature or a gender-related nature, such as remarks about appearance or personal life, offensive written or visual actions like graffiti or degrading pictures, physical contact of any kind, or sexual demands.

What is the role of International Union?

The Amalgamated Transit Union is lead by an International President, International Executive Vice President, an International Secretary-Treasurer, and 18 International Vice Presidents who form its General Executive Board.

All of these international officers are elected by the ATU's triennial International Convention. In addition to these elected by the Convention, the International employs International Representatives who, like the International Vice Presidents, do much of the International's work throughout the United States and Canada. Members of the ATU Canada also elect a President to focus on specifically Canadian concerns.

CONTRACT NEGOTIATION: ATU local officers, assisted when necessary by our International Vice Presidents, represent bargaining unit employees in contract negotiations for improved wages and benefits and just treatment on the job. We negotiate over 100 agreements each year and pride ourselves on the best contracts in the transit industry.

GRIEVANCE HANDLING: The ATU represents its bargaining unit employees in disputes with their employers in matters of discipline or unfair treatment on the job. The Union regularly secures back pay awards for employees who have been unjustly fired from their jobs. Well-trained local union officers help ensure our contracts are faithfully implemented and our bargaining units' rights are protected.

RESEARCH ASSISTANCE: The ATU assists locals with the economic, safety, health, and other information needed to conduct professional negotiations with managements, resolve questions, implement new regulations and respond to changing needs in the transit industry.

IN TRANSIT MAGAZINE: The ATU distributes a bi-monthly magazine, In Transit, an official publication which provides important information about the Union and related events in Congress, Parliament, and the transit industry.

ATU MOBILE UPDATES: The ATU keeps its officers up-to-day with regular news updates to empower them in their work.

ATU DISPATCH: The ATU regularly provides legislative and political information by email to its members so that they can take action to protect and extend the rights of working people in the U.S. and Canada.

SEMINARS: The ATU is at the forefront of the Labor Movement in terms of education in both the U.S. and Canada. Seminars are regularly offered on arbitration techniques, collective bargaining, local union financial administration, grievance administration, leadership training for officers, organizing, health and safety, and women's issues – as well as legislative and political programs.

GOVERNMENT AFFAIRS: The ATU International maintains a full-time legislative program which, in conjunction with local unions and members, lobbies Congress and state legislatures to promote the interests of our members.

ATU-COPE: The ATU conducts yearly nationwide fundraising to support its ATU Committee on Political Education, which makes contributions on a bi-partisan basis to the campaigns of local and national candidates for public office in the U.S. who are supportive of our values on labor and transportation issues.

ORGANIZING PROGRAM: The ATU has a full-time organizer on its staff who will respond to requests from those interested in organizing their workplace.

ATU CANADA: The ATU maintains a full-time office in Toronto, Ontario, for the purpose of responding to the needs and desires of our Canadian membership. ATU Canada addresses the legislative, political, educational, cultural, social, and economic concerns.

SUBSTANCE ABUSE PROGRAM: The ATU makes available its own publications informing affected employees of drug and alcohol testing requirements in the U.S. and Canada.

FUNERAL BENEFITS: The ATU maintains a historic funeral benefit program to help with funeral expenses.

UNION/MANAGEMENT COOPERATION: The ATU is at the forefront of the Labor Movement in promoting union/management cooperation programs at our properties all over the U.S. and Canada. The Union strives to conduct an on-going dialogue with the transit industry that leads to the early resolution of disputes and the mutual pursuit of common goals such as public funding of mass transit and increased ridership.

ATU SCHOLARSHIP PROGRAM: The ATU offers an annual scholarship competition to union members and their dependents in order to further the education of those who have an active awareness of union issues.

UNION PLUS and UNION SAVINGS PROGRAMS: ATU members have access to discounts and special purchase programs through the Union Plus program for Americans and the Union Savings program for Canadians.

ATU MULTIPLE SCLEROSIS RESEARCH FUNDS: The ATU conducts annual fundraising drives in the U.S. and Canada to fund research to combat the disease of multiple sclerosis.

Glossary

The following is a list of the more common labour terms that you'll encounter from time to time. Although the definitions provided are those most commonly used, collective agreements and statutes may contain more specific definitions for certain applications. In these cases, the agreement or relevant Act should be consulted.

Across-the-Board Adjustment

Change In pay rates made for all employees in a collective agreement or part of such agreement.

Affiliated Union

A union that is affiliated with a central labour body. For example, the ATU is an affiliate of both the AFL-CIO and the CLC.

Affirmative Action Program

A program where a member of a designated minority group is given preference in hiring or promotion provided his or her qualifications are similar to others being considered.

AFL-CIO

American Federation of Labour - Congress of Industrial Organizations. A congress of craft and Industrial unions of a mixed structure in the U.S.; the U.S. counterpart of the Canadian Labour Congress.

Annuity

A sum of money paid for a given period, usually for life beyond a given age, In return for deposits made earlier.

Application for Certification

A request by a trade union to the Labour Board for designation as the bargaining agent for a particular unit of employees.

Arbitration

The procedure by which a board or a single arbitrator, acting under the authority of both parties to a dispute, hears both sides of the controversy and Issues an award, usually accompanied by a written decision, which Is ordinarily binding on both sides. Arbitrators are usually appointed by the parties concerned, but under special circumstances they are appointed by the Minister of Labour. Compulsory arbitration is that required by law and is a common procedure (especially in the public sector) for settling contract disputes. Voluntary arbitration has reference to the parties to a dispute agreeing to arbitration in the absence of statutory compulsion.

Assessments

Special charges levied by unions to meet particular financial needs.

Attrition

Erosion of membership of the work force. Natural reduction through death, retirement, illness, or voluntary termination of employment.

Back Pay

Pay awarded to a reinstated worker for the period of time between dismissal and reinstatement; or, pay awarded to a worker for the period he/she was suspended. Often confused with retroactive pay.

Bargaining Agent

Union designated by the Labour Board as the exclusive representative of all employees in a bargaining unit for the purpose of collective bargaining.

Bargaining Right

Right of workers to negotiate through chosen representatives concerning terms and conditions of employment and right of union designated by a majority of workers in an appropriate bargaining unit to represent the group in collective bargaining.

Bargaining Unit

The employee unit which is deemed by the Labour Board to be the appropriate unit for collective bargaining.

Base Rate

The starting rate of pay for a new worker on a job or the minimum rate on a wage range.

Bumping

Exercise of seniority rights by workers to displace junior employees when conditions require temporary or permanent lay-off.

Business Agent

Local union officer (often the president) who handles business matters, negotiates with employers, and generally administers the union's affairs.

By-Laws

Specific provisions supplementing constitutions of labour unions and other organizations.

Call-back Pay

Wages for a minimum number of hours guaranteed to workers who are called back to work outside of scheduled working hours.

Canada Labour Code

Legislation applicable to employers whose operations fall within federal jurisdiction and to their employees.

Canadian Labour Congress

With over three million members the Canadian Labour Congress brings together the majority of Canada's national and International unions, the provincial and territorial federations of labour and 137 district labour councils in a unified, national voice.

Certification

Official designation by the Labour Board of a union as sole and exclusive bargaining agent, following proof of majority support among employees in a bargaining unit.

Check-off

A clause In a Collective Agreement authorizing an employer to deduct union dues and sometimes other assessments, off members pays and transmit these funds to the Union.

Class Specification

The formal definition of a classification.

Classification

A grouping of jobs of similar kind and level of duties and responsibilities. Often confused with job description.

Classification Plan

A system of personnel management which creates a series of classifications for the purpose of assigning comparative pay rates.

Closed Shop

A provision in a collective agreement whereby all employees in a bargaining unit must be union members in good standing of a specified union as a precondition for such employment.

COLA Clause

A provision in a collective agreement which provides for payment of a cost-of-living allowance based on Increases in the Consumer Price Index which is compiled by Statistics Canada.

Collective Bargaining Agreement

A contract (agreement and contract are used interchangeably) between one or more unions acting as bargaining agent and one or more employers covering wages, hours, working conditions, fringe benefits, rights of workers and union and procedures to be followed in settling disputes and grievances. Often erroneously referred to as "union contract."

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, the written contract covers all employees in the bargaining unit.

Compensatory Time Off

- (1) Time off which, instead of overtime pay, is given to employees who work overtime.
- (2) Extra time allowed an employee when a holiday falls on his/her regular day off.

Compressed Work Week

A reduction in the number of weekly days of work by extending the daily hours of work. The hours of work so established constitute the regular working hours of an employee.

Conciliation and Mediation

Process which attempts to resolve labour disputes by compromise or voluntary agreement. Traditionally the conciliator, often a government official, meets with each party separately and acts as a go-between to effect an agreement on outstanding issues. The mediator is usually a private individual who meets with both sides and proposes a settlement, some- times publicly, for the parties to accept or reject.

Consumer Price Index

A monthly statistical study by Statistics Canada 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/her work to a subcontractor.

Conventions

Assemblies of Union delegates which meet to act upon basic Union policies.

Cost of Living

Relationship of the retail cost of consumer goods and services to the purchasing power of wages.

Craft Union

A Trade Union which organizes on the principle of limiting membership to some specific craft or skill, e.g., 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 Board of its certification of a Union as exclusive bargaining representative.

Demotion

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

Discipline Clause

A section of a Collective Agreement reserving to management the right to penalize employees for disobedience.

Downgrading

- (1) Demotion of a position due to the reduction of its duties and responsibilities.
- (2) The reduction of a driver's licence.

Dues

Periodic payment by Union members for the financial support of their Union.

Equal Pay for Equal Work

Principle that wage rates should be based on the job rather than upon the sex, race, etc. of the worker or upon other factors not related to his/her ability to perform.

Exclusive Bargaining Rights

Right of the union to require the employer to bargain collectively only with the union and not, for example, with individual employees in the bargaining unit.

Fringe Benefits

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

Good Faith

A basic and essential element of collective bargaining in which the parties make every reasonable effort to effect a collective agreement.

Good Standing

Status of union member who is presently In compliance with all requirements for maintaining membership (as in "member in good standing").

Grievance

Complaint against management by one or more employees, or by 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.

Group Insurance

Insurance purchased for a number of persons - all employees for example - at the same time, at a rate lower than that for Individual Insurances.

Hearing

Formal or Informal meeting at which an administrative agency or court listens to all sides of a labour dispute.

Injunction

A court order restraining an employer or union from committing or engaging in certain acts. An ex parte Injunction Is one in which the application for an Injunction Is made with- out notifying the party affected to attend the hearing.

Interim Agreement

A collective bargaining agreement setting conditions only for the period from the lapse of one contract until the completion of negotiations on another.

International Union

A union, such as the ATU, which charters locals in both the United States and Canada.

Job Content

The actual duties and responsibilities which make up a job.

Job Description

While a classification is a grouping of jobs of similar kind and level of duties and responsibilities, a job description is a specific description of a single position within a classification.

Job Evaluation

Establishment of criteria for the purpose of establishing a classification plan

Job Security

A provision in a collective agreement protecting a worker's job, as In the Introduction of new methods or machines.

Joint Labour-Management Committee

A group of management and worker representatives which discusses Issues of joint concern, such as shift scheduling, pensions, safety, etc., and may resolve differences without requiring use of the grievance procedure.

Jurisdiction

(1) Authority of an administrative agency or court to hear and pass judgment upon the merits of a case.

(2) Extent of a union's authority over certain workers or certain types of work.

Jurisdictional Dispute

A conflict between two or more unions as to which one shall represent a group of employees in collective bargaining or as to which one's members shall perform a certain type of work.

Labour Relations

Term used to denote all matters arising out of the employer-employee relationship - most intimately connected, however, with collective bargaining and concerted activities.

Labour Board

A Board, provided for under the Labour Relations Act, which is responsible for certifications of trade unions and investigating charges of unfair labour practices and other functions prescribed under the Act.

Lay-off

Temporary, prolonged or final separation from employment as a result of lack of work.

Leave of Absence

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

Length-of-Service Increases

Longevity increases, or Increases in pay granted automatically on the basis of fixed periods of service.

Letter of Understanding (LOU)

A letter, agreed to and signed by both the employer and the union that is used to amend, clarify or modify the collective agreement. An LOU usually has a specified time limit such as the life of the current collective agreement or until the next sign-up, etc. An LOU is sometimes referred to as an MOU (Memorandum of Understanding).

Local Labour Council

An organization formed by a labour congress at the city level. Its organization and function is the same as a provincial federation, but within the scope of a city. Finances are obtained through a per capita tax on affiliates.

Lockout

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

Maintenance of Membership

A provision in a collective agreement stating that no worker need join the union as a condition of employment, but all workers who voluntarily join must maintain their membership for the duration of the Agreement as a condition of continued employment.

Management Rights

The body of rights including hiring, scheduling, hours of operation and contracting which management generally contends are not proper subjects for collective bargaining.

Master Agreement

- (1) A collective agreement executed by the leading employer in an industry which sets the general pattern that will be followed by an industry.
- (2) A collective agreement setting basic standards for employers and unions covered by the agreement who will negotiate further on local subjects; also known as Model Agreement.

Memorandum of Agreement

A draft or outline resulting from the negotiation of a collective agreement. Both parties agree to various clauses during the negotiation process and the memorandum forms the ruling document on which the collective agreement is later drafted.

Merit Increases

Voluntary wage increases given individual employees as rewards for performance or service.

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.

Moonlighting

Dual job holding by an employee who works a full day for one employer and then full time for another employer.

National Union

A union which charters locals in Canada only.

On-call Time

Hours during which an employee is subject to call if needed, usually in case of emergency.

Open Shop

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

Overtime

Hours worked in excess of the maximum regular number of hours fixed by statute, collective agreement or custom.

Pension Plan

Arrangement to provide definite sums of money for payment to employees following retirement.

Picket

One who patrols a place of business to publicize the existence of a labour dispute, a union's desire to represent the employees or the fact of non-union working conditions.

Policy

A course of action(s) adopted by an organization, government or individual. Employers may institute many policies (such as having to tuck your uniform shirt in for example) outside of the collective agreement. Being outside of that agreement,

and without a "Letter of Understanding" their enforceability is in question in terms of the application of disciplinary measures.

Probation

An initial period of employment during which a worker is on trial and may be dismissed with or without cause.

Professional Strike Breaker

A person who is not a party involved in a dispute, whose primary object is to prevent, interfere with, or break up a lawful strike.

Promotion

Advancing an employee to a position requiring higher level duties and paying a higher maximum salary.

Provincial Federation

An organization formed by the CLC in the province. It is organized and functions similarly to the Congress in the appropriate provincial area only, except that it does not charter local unions. Finances are obtained through a per capita tax on affiliates.

Public Private Partnership (P3s)

P3s are joint-ventures between government and private businesses. The idea is that these joint ventures will stabilize volatile markets and mitigate competitive pressures. These partnerships presumably make better, more competitive, managers out of public bureaucrats by bringing the expertise of business managers to government functions. BC Transit is almost entirely made up of P3s where the provincial and municipal government will partner with a private contractor to run the municipality's transit system. P3s are promoted as saving costs to the taxpayer but they do, more often than not, cost as much or more than publicly run services.

Raiding

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

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 or the rate for the work he/she is doing - for example, when an employee's job is downgraded, he/she may continue to receive the same rate of pay until the

maximum of the lower range catches up to his/her rate, due to pay increases within the lower range.

Registered Pension Plan

An employee's superannuation or pension fund or plan accepted by the Minister for registration for the purpose of the Income Tax Act in respect of its constitution and operation.

Regulations

Rules, restrictions and controls prescribed for the administration of an Act.

Reinstatement

The restoration of an unjustly or discriminatorily discharged employee to his/her 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 wage increase, pension, health and welfare benefits, etc.

Retroactive Pay

Delayed payment of part of the wages earned during a particular period, the delay being caused by a negotiated wage increase dating back earlier than the day they were agreed upon.

Scab

Worker who refuses to join co-workers in a strike. Sometimes applied to members of a non

-striking union who pass through a striking union's picket line. Also refers to "replacement workers" who are workers hired to replace striking employees.

Seniority

System granting preference in security and rewards to employees in accordance with their length of service. Frozen seniority is seniority protected as of the time of lay-off, but not allowed to increase during the lay-off period.

Severance Pay

A lump sum payment by an employer to a worker whose employment is permanently ended, usually for causes beyond the worker's control.

Shift Differential

A premium wage, which may be a percentage, a flat sum, or a time leeway, paid workers on other than the day shift to compensate them for their inconvenient working hours.

Shop Steward

A union official who represents a specific group of workers and the union in meeting new members, announcing meetings, and receiving, Investigating and settling grievances. 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.

Straight-time Pay

Regular wages exclusive of premium pay, such as overtime and bonuses.

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. An economic strike is a strike to force changes in wages, hours or other working conditions. A general strike is a cessation of work by all union members in a geographical area, usually as a political protest. A rotating strike is where certain work units cease work for a limited time, while other units work and the latter, In turn, cease work on a rotating basis. A secondary strike is a strike called against one employer with a view to Influence another. A sit-down strike is a strike in which the workers refuse to work, but stay inside the employer's place of business. A sympathy strike is a concerted work stoppage by the employees of one employer to express solidarity with striking employees of another employer and to exert indirect pressure on the latter management. A token strike is a strike lasting only one or two days to demonstrate to management what the consequences would be of a more prolonged strike. A walkout is a loose term for a strike. A wildcat, outlaw or unauthorized strike is a strike launched without the consent of union officials or a strike by a minority of the workers in a plant or bargaining unit. A work-to-rule strike is a slowdown in which workers, tongue in cheek, and simply obey all laws and rules applying to their work.

Strike Benefits

Sums paid by a union to its striking members to help finance them during a strike.

Strike Fund

Reserve accumulated by a union to provide members with some Income while on strike to pay expenses connected with strikes.

Strike Notice

Formal announcement in writing by a group of workers to their employer or to an appropriate government agency that as of a certain date they will go on strike if the dispute is not settled.

Strike Vote

A vote conducted among employees in the bargaining unit on the question of whether they should go out on strike.

Successor Rights

Rights of a union representing the employees of an employer to continue to represent those employees in the event that business is sold or transferred to other owners.

Suspension

A temporary or indefinite lay-off from work or from union membership as a disciplinary measure.

Swing Shift

Shift which overlaps other shifts or dovetails into them. Sometimes assigned special tasks such as maintenance; other times used as a relief shift for regular shifts.

Technological Change

Technical progress In Industrial methods such as the Introduction of labour saving machinery or new production techniques.

Trusteeship

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

Unfair Labour Practices

Those employer or union activities that are classed as "unfair" by labour relations acts by reason or Intimidation, coercion, Interference, or failure to bargain In good faith.

Union

The unit of labour organization which organizes and charters locals in the industries or trades as defined in its constitution, sets general policy for its locals, assists them in the conduct of their affairs, and is the medium for coordinating their activities. Finances are obtained from the locals through per capita dues. Unions usually hold regular conventions of delegates from the locals at which general policy is set and at which officers are elected.

Union Jurisdiction

Authority over certain types of work, certain workers or specific areas which have been assigned to a union by the union or congress with which it is affiliated.

Union Label

Imprint on a product indicating the item was made by union labour. Called a "bug" in the printing industry.

Union Security Clauses

Provisions in collective agreements designed to protect the institutional life of the union. See: Check-off; Closed Shop; Maintenance of Membership; Modified Union Shop; Union Shop. Compare with Open Shop.

Union Shop

A form of union security 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.

Vested Rights

Pension plan benefits which irrevocably accrue to an employee upon satisfying the conditions specified in the plan. 50% vesting allows an employee, upon resignation within a specified number of years of service, to receive from the fund his/her contributions plus interest; 100% vesting allows an employee, under specified conditions, to receive his/her and his/her employer's matched contributions plus interest.

Wage Range

The minimum and maximum rates for a particular job or job classification. 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.

Working Conditions

Conditions pertaining to the worker's job environment, such as hours of work, safety, paid holidays, rest periods, free clothing or uniforms, possibilities of advancement, etc. Many of these are Included In the collective agreement and subject to collective bargaining.

Workers Compensation

Compensation payable by employers collectively for Injuries sustained by workers In the course of their employment. The Industries covered by the Act are divided into groups; the employers in each group being collectively liable for the payment of compensation to the workers in their group.