

**Handbook**

**For**

**Effective Stewarding**

**CUPE** *education*

cupe.ca

*where the action is!*

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## Introduction

Stewards play a vital role in helping members deal with workplace problems and in bringing the concerns and priorities of the members they represent to the attention of the union's leadership.

Thousands of CUPE members act as stewards. Anyone with an interest in fairness and the people they work with can be an effective steward.

The purpose of this handbook is to help both new and experienced stewards become more effective by:

- ◆ Outlining the roles and duties of stewards.
- ◆ Describing techniques used by stewards to resolve workplace problems.
- ◆ Suggesting ways that stewards can increase membership involvement.

Although the handbook was written in conjunction with CUPE's "Effective Stewarding Workshop", it can be used as a stand alone document.

### How to Use this Handbook

Use this handbook as a source of ideas when:

- ◆ You are just starting out as a steward.
- ◆ You are looking for ways to involve inactive members.
- ◆ You are not sure how to handle a situation.

Look over the first two sections to get an idea of the roles and duties of stewards.

Look over Section II for ideas on how to increase the number of members that bring problems to the attention of stewards.

Look over Section III for ideas on how to document problems and incidents.

Look over the last 3 sections for ideas on how best to resolve problems.

Those who are unfamiliar with CUPE should look at Appendix I (see pages 47-50).

Since each workplace is different, we cannot develop a handbook that can be used to "tell you what to do". For this reason, we have space for you to add information about your own situation that you will need to know.

We have also included sample forms in Appendix II (see page 52 - ) that stewards can photocopy.

## Section I - Introduction to Stewarding

### INTRODUCTION

Stewards are the union movement's front line.

The steward is often the only union "official" that members ever talk to. Inactive members' support for the union often depends on how "their" steward handled a problem that they faced. How stewards do their jobs has a big effect on the union's ability to effectively bargain, lobby or to have much say about what happens at work.

This section outlines the roles and duties of stewards and how these duties relate to the other activities undertaken by unions.

This section was developed to help new stewards understand their role and duties.

This section should also be of interest to experienced stewards and executive members who are looking for ways to make stewarding more effective.

### 1 - ROLES OF THE STEWARD

Stewards help members deal with workplace problems.

Stewards can help members deal with the following kinds of problems:

- ◆ Abusive supervisors or co-workers.
- ◆ Sexual or racial harassment.
- ◆ Non-payment for overtime or shift work.
- ◆ Discrimination or favouritism in overtime assignments.
- ◆ Vacation and holiday scheduling.
- ◆ Being passed over for training and promotions.
- ◆ Workplace health and safety problems.
- ◆ Discipline or dismissal.
- ◆ Dissatisfaction with something the union did or did not do.

Stewards also help the union executive communicate with and respond to the concerns and priorities of the members they represent.

## 2 - EFFECTIVE STEWARDS

To be an effective steward:

### **MEMBERS MUST COME TO YOU WITH THEIR PROBLEMS.**

If members don't know what a steward does or how you can help, they will not come to you with their problems.

### **YOU MUST BE ABLE TO HELP MEMBERS SOLVE THEIR PROBLEMS.**

Members will not come back if you do not help them.

Members who are not satisfied with what you have done will discourage their co-workers from bringing their problems to you.

### **YOU MUST BE ABLE TO INVOLVE MEMBERS IN THE UNION ACTIVITIES.**

Unions can solve problems, improve working conditions and improve compensation only when a high proportion of the members are prepared to do something about their concerns.

## 3 - HOW UNIONS WORK

In order to be effective, stewards must understand why they can help solve problems that individuals can't solve on their own. This means understanding how unions work.

Unions are based on the following concepts:

- Unions are groups of workers.
- Workers form unions to solve problems that individuals can't solve on their own.
- Unions exist because groups have more power than individuals.
- Power is the ability to force employers to change things they otherwise wouldn't change.
  - Union power is based on their members' willingness to participate in collective action to solve problems. But not everyone has the same problem at the same time. If we only acted on problems that affected us personally, men would not support paid maternity leave, young workers would not support proposals to improve pensions and straight workers would not support actions to deal with homophobia.
- To operate, unions need solidarity. Solidarity means "I will support you when you have a problem on the understanding that you will support me when I have a problem".

Unions use their power to negotiate collective agreements. Unions also use political action to force governments to change laws. One of the duties of stewards is to enforce these contracts and laws.

Stewards also use collective action or the threat of collective action to help resolve problems when the collective agreement or laws have not necessarily been violated and to speed up the resolution of the issue. Stewards may use collective actions as a union building tool.

For this reason, the support of the members you represent is important to both your ability to solve problems and to the union's ability to negotiate changes to your collective agreement.

*WORKERS FORM UNIONS BECAUSE THEY HAVE MORE POWER WHEN THEY SUPPORT ONE ANOTHER AND ACT AS A GROUP THAN WHEN THEY ACT ALONE.*

#### **4 - STEWARD'S "TOOLS"**

Stewards help resolve problems by:

- Talking informally to supervisors.
- Launching complaints when laws have been broken.
- Passing information on problems to your union executive so that they can be dealt with at the bargaining table or at labour management meetings.
- Organizing job actions such as:
  - ◆ petitions to pressure managers to change;
  - ◆ by submitting a grievance form;
  - ◆ meeting with managers at grievance hearings;
  - ◆ mediating disputes between members;
  - ◆ the collective wearing of a ribbon;
  - ◆ the collective sit-down lunch (picnic style);
  - ◆ the collective boycotting of supervisor.

Almost any problem faced by the members you represent can be resolved by using one or more of these methods.

## 5 - DUTIES OF STEWARDS

Based on the roles that stewards play, the “tools” available to stewards and the things that make unions effective, stewards need to do the following:

### Establish Yourself

Everyone you represent should know who you are, how to get in touch with you and why they should get in touch with you.

### Look for Problems

Stewards need to seek out members experiencing problems at work who do not bring the problems to the attention of the union.

### Investigate Every Problem you Find

Stewards should investigate every problem brought to their attention.

This means:

- ◆ Recording all of the facts.
- ◆ Knowing how those affected would like the matter resolved.
- ◆ Knowing what (if any) laws or contract provisions have been violated.
- ◆ Finding out what those not directly involved are prepared to do to help resolve the issue.

### Try to Resolve Each Problem Brought to Your Attention

This means working out a strategy to resolve each problem brought to your attention using one or more of the tools available to stewards.

It also means bringing problems that you cannot resolve on your own to the attention of your local's executive so that they can be dealt with at labour management meetings or during the next round of bargaining.

### Involve the Members in Resolving Problems

Many problems can only be resolved with the help and support of those experiencing a problem and their co-workers.

For this reason, stewards need to encourage those affected to help resolve the issue. In other words, do it **with** the members not **for** the members.

## **Work with Your Executive**

Stewards work with the executive of their locals to help keep the members informed and to encourage involvement in union activities.

### **6 - WHAT STEWARDS NEED TO KNOW**

To carry out the duties listed above, stewards need to know:

- How to encourage everyone you represent to bring problems to your attention.
- How to research and document the problems brought to your attention.
- The procedures used by your local to deal with problems.
- How to encourage members to get involved in the resolution of problems.
- The roll that stewards play in bargaining, political action and in keeping the members informed about the actions taken by the executive and other stewards.
- The role that stewards play in communicating the concerns, interests and priorities of the members they represent to the executive of the union.
- Who you can turn to for help, support and additional training.

## Section II - Establishing Yourself as a Steward

### INTRODUCTION

In most locals, only 5 to 15% of the members take an active interest in the union.

This means that:

- ◆ Some of the members you represent probably don't know what a steward is or why stewards can help them with problems that they cannot solve themselves.
- ◆ Others will not know your name or how to get touch with you.

Stewards help members solve problems. If you never even hear about half the things the members are worried about, you are only doing half your job.

This section was developed to help new stewards establish themselves.

It will also be of interest to experienced stewards who are looking for ways to increase the number of members who bring problems to their attention.

### 1 - NEW STEWARDS

After being elected or appointed, stewards should take the following steps before assuming their position:

➤ **Go for training**

It's hard to be an effective steward just by reading this handbook. Even if you understand all the concepts, you still need to practice the skills such as interviewing, problem solving and grievance handling associated with being a steward.

CUPE offers 1½ and 2 day stewarding workshops throughout the country. CUPE also has workshops on assertiveness, leadership and organizing. Contact your CUPE Union Development Representative for details.

➤ **Meet with the Union Executive or Chief Steward**

Every contract is different. Every local has different procedures and traditions. For this reason you will need to find answers to the following questions before taking up your duties:

- ◆ What procedures are followed for processing grievances?
- ◆ Are there any procedures in place for dealing with problems that are not grievances?
- ◆ Who can help you with contract interpretation?
- ◆ Who can help you when you are not sure how to handle a problem?
- ◆ Are there any outstanding issues that you should know about?
- ◆ What role do stewards play in bargaining, communications etc.?
- ◆ What feed-back does the executive want?

Where can you get:

- ◆ Grievance Fact Sheets;
- ◆ Grievance Forms;
- ◆ A list of those you will be representing including the names of the people who are not union members.
- ◆ Where do you file the information you collect?

➤ **If possible, meet with the former steward**

Former stewards are a useful source of information such as:

- ◆ What the supervisors are like to deal with.
- ◆ Ongoing problems that you should know about.
- ◆ The names of members who are active union supporters.

## **2 - STARTING OUT**

Once you know what is expected of you and where you can get advice, the next step is to establish yourself with the people you represent.

This means making sure that everyone knows who you are and why they should bring problems to your attention.

Here are some ideas on how to do this:

➤ **Introduce yourself to everyone you represent.**

Even if you already know everyone, take the time to go around with the former steward or a member of the executive and meet everyone you represent.

➤ **Pass out some written information about stewarding.**

It's hard to go into much detail about your role during a casual conversation.

It helps if you can pass out a sheet with your name and number on it along with a brief description of your role. *(see following page for example)*

Work with your chief steward or an executive member to adapt the example or develop your own sheet.

➤ **Meet the managers you will have to deal with.**

Once you have introduced yourself to the workers you represent, you may be introduced to the supervisors or managers you will have to deal with as a steward.

If you meet, go with an experienced member of your executive who can introduce you.

Note the manager's attitude to the people he or she is responsible for and to the union. Do not agree to anything or say anything about any problem that comes up at these meetings.

*Example of Steward's Introduction Leaflet*

**How are things at work?**

At some point, everyone has problems at work. Your supervisor may be playing favourites, you may have to deal with harassment, you may get passed over for a promotion etc. Your CUPE local trains and supports a group of stewards whose main job is to help you resolve problems like these.

Stewards can help you with the following kinds of problems:

- Abusive supervisors or co-workers.
- Sexual or racial harassment.
- Non-payment for overtime or shift work
- Work scheduling
- Vacation or holiday scheduling.
- Being passed over for training and promotions.
- Workplace health and safety problems.
- Unfair discipline or dismissal.

Stewards have the legal right to investigate problems during working hours. Employers are obliged to deal with problems that stewards bring to their attention.

If management is unwilling to resolve the problem in a way that is acceptable to you, the union has the right to bring the case before an arbitrator for a decision that is legally binding on the employer and the union.

Stewards cannot solve every workplace problem. But they can solve a lot more problems than individuals working on their own.

Stewards are volunteers who are trained and backed by your CUPE local.

Your Steward's name is: \_\_\_\_\_

He/she can be reached at: \_\_\_\_\_

Phone #: \_\_\_\_\_

Email \_\_\_\_\_

### 3 - PLAN FOR ESTABLISHING YOURSELF

Each CUPE local has its own way of doing things. Each workplace is different and each steward is different.

To help you work out what you intend to do to ensure that everyone you represent knows who you are and why they should bring problems to your attention, we have included a short planning form. Write down each of the things you intend to do and how long you think it will take to carry out each step. Be as specific as possible.

I intend to take the following steps to establish myself as a steward:

<u>Step</u>	<u>Completion Date</u>
1) _____	_____
2) _____	_____
3) _____	_____
4) _____	_____
5) _____	_____

## Section III - Looking For Trouble

### INTRODUCTION

Even if everyone knows who you are, some of the people you represent will never bring their problems to you.

Some people do not believe that anything can be done about the problem they face.

Others may have had a bad experience with a previous steward.

Some may think they will get into trouble if they talk to you.

Others may not think that anyone who is of a different skin colour, sex, age, country of origin or sexual orientation etc. will take their concerns seriously.

This section of the handbook was developed to help you increase the number of members who bring problems to the union.

*IF PEOPLE ARE NOT GOING TO BRING THEIR TROUBLES TO YOU, YOU NEED TO GO LOOKING FOR TROUBLE.*

### 1 - HOW TO LOOK FOR TROUBLE

Here are some tips to help you work with members who won't bring their troubles to you:

➤ **Make a point of talking to everyone you represent.**

If you don't see everyone on a regular basis, drop by the lunch rooms, smoking areas, parking area etc. where people congregate. Recent immigrants, visible minorities or women in non traditional jobs may have limited contact with the other people that work in their area. For this reason, seek out members who do not "hang out" with their co-workers.

➤ **Ask how things are going.**

Each time you run into a member, ask how things are going at work.

If something comes up:

➤ **Go over the details of what happened.**

- ◆ Ask how they feel about what happened.
- ◆ Ask if anyone else is upset or angry with what happened.
- ◆ Ask if anyone else is upset or angry with what happened.

➤ **Talk about how the problem can be resolved.**

- ◆ A member who has no hope that their problem can be resolved will never ask you to help them.

To build hope, suggest ways that the union could help resolve the problem by describing how similar situations were resolved in the past.

➤ **Discuss what should be done.**

Once you find someone who is willing to work with the union to help resolve a problem, the next step is to discuss:

- ◆ What they would like to see happen.
- ◆ What role they are prepared to play in resolving the problem.
- ◆ What other members can do to help out.

This approach, of looking for people who are prepared to work with the union to resolve a problem, is a basic strategy for building participation and interest in union activities.

It is also the basis of helping those who think they have to accept whatever the boss does to become stronger and more confident.

The satisfaction that comes from seeing the difference you make to the lives of even a few people is probably the best thing about being a steward.

To learn more about how to increase membership involvement in union campaigns, and activities read CUPE's policy on "Organizing the Organized" adopted at the 1995 National Convention. The Union Development Department has since developed modules based on the principles described in the policy document. Check with the CUPE Education Representative assigned to your region/area for more information, ask about the modules on "Understanding the Organizing and Servicing Models" and Advantages and Disadvantages of the Organizing and Servicing Model."

## 2 - NEW MEMBERS

Most new employees know nothing about your local. There is a good chance that they also know little or nothing about unions in general or stewards in particular.

For these reasons, it is unlikely that new employees will come to you unless you make a special effort to meet with them.

To help establish yourself with new employees, you should:

- Introduce yourself to each new employee.
- Give them a sheet outlining your duties, the kinds of problems that you can help with, and why you can help them deal with problems that they could never solve if they acted alone.
- Ask about their previous work experience, problems they had at work and their previous experience with unions.

The idea is to get to know each new member, get some idea of their attitude to unions, and to establish yourself as a good listener and someone who can be trusted.

If your local has not already done so, you should also give each employee:

- A copy of the current collective agreement.
- A copy of your local's By-Laws.
- Information about the time and location of union meetings.

## 3 - NON-MEMBERS

- In many CUPE workplaces union membership is a condition of employment. In others, membership is voluntary.
- Being a signed up member is no guarantee of interest. But non-membership is a sure sign of lack of interest if not hostility. Non-members will almost never bring a problem to your attention.
- Many employees who are not members have probably never been asked to sign a union card. Others such as recent immigrants, visible minorities, gays or lesbians may feel excluded and shunned by their co-workers and want to have as little as possible to do with them.
- A few may be hostile to unions because they are unhappy about something the union did or did not do in the past or because they are opposed to the idea of unions.

If it turns out that membership is not a condition of employment you can get a list of those non-members from the secretary treasurer of your local.

Once you know the name of non-members, you can meet informally with each one to find out why they have not joined.

Don't pressure non-members into joining because you risk turning them off.

Most people do not change their minds as a result of philosophical discussions about the value of unions. Change happens after they develop a personal relation with their steward which leads to there bringing up a concern or problem.

For this reason, tell non-members that they have the right to be represented by the union and that you are available to help them in the future.

After the initial talk, periodically speak to each non-member and ask how things are going.

#### **4 - PLANNING HOW TO LOOK FOR TROUBLE**

Since everyone who is faced with a problem will not bring it to your attention, you will need to go out looking for problems.

To help you work out what you intend to do, we have included a brief planning form. Write down each of the things you intend to do and how long you think it will take to carry out each step. Be as specific as possible.

To find and encourage those who will not bring problems to me, I will:

<u>STEP</u>	<u>COMPLETION DATE</u>
1) _____	_____
2) _____	_____
3) _____	_____
4) _____	_____
5) _____	_____

## Section IV - Investigating Problems

### INTRODUCTION

In the last two sections, we looked at what you can do to encourage members to bring their problems to you. In this section we will start looking at what to do when someone actually shows up!

We will start by looking at how to investigate and document problems.

This section will be of interest to both new and experienced stewards.

### 1 - INTERVIEWING SKILLS

Even when people know your name and why you can help them, they are often frightened about bringing problems to you.

- Some people are embarrassed to repeat the things the supervisor just yelled at them.
- Others are afraid that you will laugh or tell them that they shouldn't be upset.
- Others may not trust you to keep what they say confidential.

A lot of the people who come to you will be upset, angry or frightened. Think how you would feel 5 minutes after you had been fired, harassed or passed over for a promotion.

How you handle people who feel like this will determine how comfortable and co-operative they will be and how willing they will be to involve their co-workers in helping to resolve their problem.

Emotional support also helps to inspire some hope that you can help them deal with the problem.

When we are upset, most of us need someone who will listen to us without making any judgements about whether or not we should be upset.

Here are some tips for dealing with members when they come to you with a problem:

- Ask what is going on and let the person talk without interruption. There will be time later to go over all of the details.
- Let the person vent their emotions. Your role is to sympathize without taking sides or judging.
- Keep your opinions about who is in the right to yourself. You are a problem solver and an advocate, not a judge!
- After the person has talked about what happened, ask “What do you want done about this?” Asking what the member wants helps establish the member’s expectations and the role they are prepared to play in resolving the problem.
- If you are not sure how to handle a situation, ask yourself:
- “How would I feel if this happened to me?”
- “What would I want from a steward at this point if this happened to me?”

## 2- FACT FINDING

Once the steward has listened to the member’s story and dealt with the emotional fallout, the next step is to gather the facts.

*FACT-FINDING IS THE MOST IMPORTANT PART OF THE PROBLEM SOLVING PROCESS*

Only when you know all of the facts can you decide what is the best way to resolve a problem.

Before you can decide how best to resolve an incident you need to know:

- **WHO** was involved?
- **WHO** witnessed what happened?
- **WHAT** happened?
- **WHAT** are those affected prepared to do?
- **WHAT** are those who were not involved prepared to do?
- **WHERE** did it happen?
- **WHEN** did it happen?
- **WHY** is the incident a violation of a contract provision, law, employer procedures etc.?
- What do those affected **WANT** done?

These questions, (called the “**6W’s**”) need to be answered before you can decide how to resolve the situation.

For example:

- If 7 witnesses all disagree with the supervisor's account of what happened, your strategy will be different than if all the witnesses support management.
- If management violated 3 clauses of your collective agreement, your strategy will be different than if no provisions of your collective agreement have been violated.
- If 25 people are prepared to stop working to protest the treatment of a co-worker, your strategy will be different than if no one is concerned or upset.
- If the member only wants to blow off steam, your strategy will be different than if they want the steward to submit a grievance when the collective agreement has not been violated.

Since fact-finding is vital to the problem solving process, stewards need to:

- Open a written file each time an incident is brought to your attention.
- Ask those involved, including witnesses, the "6W" questions.
- Check personal records to see if there is anything that can be used against those involved.
- Check with an experienced steward or an executive member about contract interpretation and how similar incidents have been handled in the past.
- Check with co-workers to find out if they are willing to help resolve the situation.

### **3 - FACT SHEET**

It's hard:

- To remember all the questions you are supposed to ask each person who was involved or who witnessed an incident.
- To keep track of all the answers.
- To find gaps or contradictions in what you have been told.
- To know how to use the information you have collected.

To help you deal with these problems, CUPE has developed a fact sheet. (*See next page*)

By answering the questions on the fact sheet, you will have a written record of your investigation and, as well as, a list of things that you will need to find out before deciding how you plan to deal with the problem.

These forms are available (for free) from your CUPE Staff representative or ordering them from: CUPE National Stockroom at 21 Florence Street, Ottawa, Ontario K2P 0W6.



## **Grievance Fact Sheet**

This Grievance Fact Sheet is designed to assist Grievance Officers to keep a written record of what the grievance is about and what happens to it as it is processed through the various steps of the grievance procedure.

It is an important document and should be completed with care and accuracy. This document will provide the union representative with a complete history of the case. It will provide details of the grievance which may otherwise be overlooked or forgotten about.

When the grievance is finalized, the completed form should be placed in the local union's file for future reference. Copies should also be given to the CUPE Representative.

Union Development Department  
Canadian Union of Public Employees

# GRIEVANCE FACT SHEET

## FOR THE UNION ONLY

To be filled out by the Steward and attached  
to the UNION COPY ONLY of Grievance No \_\_\_\_\_ Local \_\_\_\_\_

**PLEASE PRINT**

### WHO IS INVOLVED IN THE GRIEVANCE?

#### GRIEVOR

Name: _____
Department: _____
Classification: _____ Wage Rate: _____
<b>SENIORITY – Employer-wide (date)</b> _____
<b>Bargaining-Unit Seniority (date)</b> _____
<b>Department (date)</b> _____
<b>Classification (date)</b> _____

#### SUPERVISOR OR OTHER MANAGEMENT INVOLVED:

Name: _____
Department: _____
Job Title: _____

#### WITNESSES OR OTHER PERSONS INVOLVED:

Name: _____
Department: _____
Classification: _____
_____
Name: _____
Department: _____
Classification: _____

**GRIEVANCE FACT SHEET**  
**FOR THE UNION ONLY**

**WHAT** HAPPENED? WHAT IS THE GRIEVANCE ABOUT? (make sure to include all points mentioned on the checklist for each type of grievance)

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**WHEN** DID THE GRIEVANCE OCCUR? (date and time grievance began? how often? for how long? is it within time limits to proceed with a grievance?)

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**WHERE** DID THE GRIEVANCE OCCUR? (exact location – department, machine, aisle, job number, etc; include diagram, sketch or photo if helpful)

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**WHY** IS THIS A GRIEVANCE? (violation of contract? supplement? law? past practice? safety regulations? rulings or awards? unjust treatment? etc.)

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**WANT** GRIEVANCE SETTLED AND REDRESS IN FULL (adjustments necessary to completely correct situation; in case of discharge ask for back pay)

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**EMPLOYER CONTENDS:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Employer record of Conduct** Warnings and/or penalties for lateness, absenteeism, quantity or quality of work, etc.)

	<b>Dates</b>	<b>Reasons</b>
Verbal warnings issued:	_____	_____
Written warnings	_____	_____
Penalties imposed:	_____	_____
Any related information:	_____	_____
	_____	_____

**ADDITIONAL INFORMATION**

**Information Given By Witnesses** (print the name of each witness followed by a summary of what each saw and heard; get a signed statement).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_ Signed \_\_\_\_\_  
Witness \_\_\_\_\_

Date \_\_\_\_\_ Signature of Steward \_\_\_\_\_

Signature of Aggrieved Employee: \_\_\_\_\_

# CHECKLIST

## FOR GRIEVANCE INVESTIGATION

HAVE THESE POINTS BEEN COVERED AND ENTERED ON THE FACT SHEET?

### DISCHARGE AND REPRIMAND

1. Previous work record.
2. Complete record of events leading to discipline.
3. An account of the incident resulting in discharge or reprimand.
4. Management's reason for its action.
5. Past practice in similar cases.
6. Supervisor's name, etc.
7. Name of witnesses, etc.
8. Dates and times (important to case).

### VACATIONS

1. Time requested.
2. Time allotted.
3. Seniority.
4. Number of Employees in work group.
5. Employer's reasons for denial of request.
6. Names of other employees involved.
7. Seniority and classification of other employees involved.

### TRANSFER

(Denial of)

1. Grievor's seniority and classification. Department requested.
2. Name of new employees hired.
3. Date of request for transfer.
4. Availability of replacement for Grievor.
5. Supervisor's reasons for not agreeing to transfer.
- 6.

### HARASSMENT

- 1 Incident: Date, time, place
- 2 Kind of harassment: personal, racial, sexual.
- 3 Consequences: promotion denied, position downgraded, unfair discipline.
- 4 Health effects: mental and physical.
- 5 Identify Harassment: Supervisor, Departmental Head of Co-worker.
- 6 Identify Witnesses: Co-workers and others
- 7 Is this a repeated incident?
- 8 Has it been drawn to management's attention before?

### OVERTIME

(regular)

1. Date and shift overtime was scheduled.
2. Classification scheduled for overtime.
3. Grievor's classification.
4. Name and classification of employee who worked.
5. The actual work that was performed.
6. Previous record of overtime distribution.
7. Last time Grievor worked overtime.
8. Number of accumulated hours of overtime for Grievor (and others).
9. Supervisor's reasons for not asking Grievor to work.

### IMPROPER LAYOFF

(or Recall)

1. Employer-wide seniority of Grievor.
2. Bargaining-unit seniority of all involved.
3. Departmental seniority of all involved.
4. Classification or group seniority of all involved.
5. Type of work to be performed.
6. Previous experience of all concerned.

### JOB POSTINGS

(Unsuccessful Applicant)

1. Grievor's classification and seniority.
2. Grievor's experience and previous jobs.
3. Name, classification and seniority of successful applicant.
4. Experience and previous jobs of successful applicant.
5. Management's reasons for rejecting the Grievor.
6. Management's reasons for choosing the successful applicant.

### OVERTIME

(Statutory Holidays)

1. Same as regular overtime.
2. Identify Statutory Holidays involved.
3. Verify that Grievor qualified for holiday pay.
4. Verify that Grievor was willing to work.
5. Verify that it was Grievor's turn to work.
6. Verify that supervisor deliberately bypassed Grievor.

### SAFETY HAZARDS

1. Name, classification, department of Grievor.
2. An account of the incident.
3. What caused the complaint?
4. Has it been previously reported?
5. What action has management taken?
6. What law or rule is violated?
7. Witnesses: Names, etc.
8. Any injuries.
9. Nature of injury.

### IMPROPER PAY

(Work Assignment)

1. Grievor's classification and seniority.
2. Grievor's regular work assignment.
3. Grievor's assignment on day in question.
4. Grievor's assignment on day in question.
5. Rate of pay applicable to assignment.
6. Exact work performed by Grievor and instructions from supervisor.
7. Grievor's experience and previous jobs.
8. Management's reason for not paying the higher rate.

### SUPERVISORS WORKING

1. Name of person doing work.
2. Type of work performed.
3. Amount of time worked.
4. Area where work was done.
5. Grievor's classification.
6. Availability of Grievor.
7. Supervisor's reason for working.

### Note :

If this is a Discharge or Discipline Case:

- √ Did you ask about personal problems of the grievor?
- √ Did you ask about any previous record, good or bad, long or short?
- √ Did you probe any extenuating circumstances in this case?
- √ Did you ask about the personal character of all people involved?
- √ Did you discuss the consequences of the penalty?
- √ Did you consider whether or not the punishment fits the crime?
- √ Did you advise the grievor to seek employment while waiting?





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## Section V - Problem Solving

### INTRODUCTION

Once you have documented an incident the next step is for you, other union activists and those affected to work out the best way to resolve the problem.

“Resolve” means “deal with” in a way that satisfies those involved without leaving others worse off, now or in the future.

Stewards have four main ways of resolving problems:

- ◆ Informal meetings
- ◆ Grievances
- ◆ Complaints (when laws have been violated)
- ◆ Direct collective action

This section is designed to be used as a reference by stewards and executive members when looking for ways to resolve workplace problems.

### 1 - WHY DO MANAGERS LISTEN TO STEWARDS?

To resolve a problem, you must convince managers that the problem exists and that it is in their interest to resolve it.

Sometimes all you have to do is bring a problem to the manager’s attention.

Sometimes you can convince them that it’s the right thing to do.

But when they can’t talk management into doing the right thing, stewards use the following means to force managers to change:

### The Law

Labour legislation gives unions the following rights:

- ◆ The right to investigate alleged violations of the collective agreement.
- ◆ The right to submit a written grievance.
- ◆ The right to a hearing with management where the grievance will be discussed.
- ◆ The right to take a grievance to an independent arbitrator if the grievance is not resolved to the satisfaction of the union.

In addition, labour, health and safety, human rights and employment standards laws limit employers’ ability to do whatever they want at work.

## The Collective Agreement

Every unionized workplace has a collective agreement. Once the collective agreement has been signed by management and the union, its terms are binding. The law gives unions the right to enforce the collective agreement via the grievance procedure.

A steward's ability to use the collective agreement to solve problems depends on what is in the contract.

If a contract is silent on an issue, the employer can do more or less what they want as long as they don't break the law. If the employer always act the same way for a period of time, leading the local union to believe that the action is an acquired right or if the union allows the employer to interpret, a clause in the collective agreement, for a period of time past practice may well have been established. In order to change past practice one party must give notice to the other of it's intent to change, the party receiving the notice must have an opportunity to negotiate or rectify the situation through a process and usually that process is negotiation.

## The Support of the Members

Many workplace problems are not violations of the collective agreement. Even when the contract has been violated, it sometimes takes more than a year to get a decision if the case goes to arbitration.

If persuasion fails, stewards can sometimes force managers to change by telling them:

- That some members are angry or upset about what has happened.
- That the results of the discussion will be known.
- That there will be consequences if nothing is done.

"Consequences" could mean:

- A story in the union's newsletter.
- A petition to top management.
- A letter in the newspaper.
- A demand to change the collective agreement.
- An overtime ban.
- Work to rule.
- An information picket.
- All wearing the same bright coloured hat, shirt or dress/pants.
- All wearing one shoe and one sneaker to work.
- All wearing arm bands.
- All members not filling out certain forms
- Any creative solution the members come up with.

**Note:**

Never bluff. Don't threaten anything that the members are not prepared to do.

Never do anything without first telling management that something will happen if they don't change. The threat of an action is often worse than the reality.

Never threaten or lead an action without having the support of your executive.

***NO ONE GIVES YOU WHAT YOU DON'T HAVE THE POWER TO TAKE!***

## 2 - PROBLEM SOLVING GUIDE

It is not always obvious:

- Which method of solving a problem to use.
- What those who brought the problem to your attention should do to help.
- What you should ask for when you meet with managers.
- What you should do if managers aren't prepared to resolve the problem.

Here are the basic steps to follow when thinking how to resolve a problem:

- Try to resolve the issue informally.
- If the collective agreement has been violated and management isn't interested in settling things informally, submit a grievance.
- If a law has been violated, talk to an executive member about submitting a complaint.
- If those affected and their co-workers are prepared to take action, encourage them to act even if a grievance has been submitted. Ask the co-workers for creative solutions.

For example: *(an adapted true story)* Twelve women workers working on the same floor of a large building are being harassed by a high level and well respected manager/supervisor.

They complained but no one did anything because of the high level position and respect the manager had. All the women saw a long protracted legal battle ahead through the grievance procedure and/or human rights complaint. Now enter the organizing way of doing things.

They met and brainstormed different solutions, some crazy, some funny, some serious and legalistic and some solutions that had the effect of building unity amongst the workers. In the end they formed a bond amongst themselves and proposed an action to stop the harassment by acting together as one.

Here is what they did. They met with a union steward and decided to each purchase a whistle, that's right, a whistle. They would all wear the whistle around their neck and when the manager harassed any one of them, she literally would start blowing her whistle. The co-workers upon hearing the whistle would leave whatever they were doing and start blowing their own whistles while working their way to the co-worker who first started blowing.

The effects of this action were as follows:

- ◆ Formed a unity bond amongst the workers.
- ◆ Increased the workers participation in the union's activity.
- ◆ Stopped the harasser in his tracks.
- ◆ When they met with management to find an on-going and permanent solution to the problem management knew they had to listen because the workers were now organized.
- ◆ They felt good about the success their creative action had on the workplace.
- ◆ Doing union building is what they did
- ◆ They had fun doing it.

While this action started, the union also filed a grievance against the manager and the employer for not providing a workplace free of harassment. The union met the employer and found a solution that satisfied the workers on that floor.

To help you work out a strategy, we have developed a problem solving guide (*see next page*).

If you find it useful, make copies and use it each time you are faced with an issue that cannot be easily resolved.

### PROBLEM SOLVING GUIDE

To deal with this incident, I intend to do one or more of the following:

**MEET INFORMALLY:** Yes  No

With whom: \_\_\_\_\_

Date: \_\_\_\_\_

My goal at this meeting is to: \_\_\_\_\_

If this goal is not achieved, I will: \_\_\_\_\_

**FILE A GRIEVANCE:** Yes  No

Provision[s] violated: \_\_\_\_\_

Filing Deadline: \_\_\_\_\_

Additional information needed before filing:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

**FILE A LEGAL COMPLAINT:** Yes  No

Health and Safety  Human Rights  Employment Standards

Law[s] violated: \_\_\_\_\_

Filing Deadline: \_\_\_\_\_

Additional information needed before filing:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

**START A CAMPAIGN:** Yes  No

How many members are concerned enough to act on this issue? \_\_\_\_\_

Members are prepared to: \_\_\_\_\_

I will attempt to persuade (Name) \_\_\_\_\_ to \_\_\_\_\_

By involving members in the following action[s]:

\_\_\_\_\_

To encourage members to do the above, I will:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

## Section VI - Meetings

### INTRODUCTION

The first step in most attempts to resolve a problem is to meet with the person with the power to change what you want changed. In many grievance procedures, the first step is an informal meeting. Even if this is not the case, it is usually a good idea to talk to the supervisor involved before submitting a grievance.

This section was developed to help stewards prepare for meetings with managers.

### 1 - WHY MEET

Stewards meet with managers because they want to resolve a problem. It's important to understand what both the union and management hope to get out of a meeting when planning what to say and what to listen for.

#### Union Goal

The goal of the union is to settle the dispute in a way that is acceptable to those affected and that does not leave other members worse off or create a precedent that could harm others in the future.

#### Management Goals

Managers are concerned about two things: money and control.

Managers usually say "No" to solutions that cost money (overtime, paid time off, costs associated with training etc.)

Managers also say "No" to changes that give management less control over what happens at work. For example, even if management agrees that a supervisor has harassed a member, they may be unwilling to move the supervisor because of the precedent it sets for the future.

## 2 - MEETING PREPARATION

Here are some tips to help you prepare for meetings with managers:

- Completely research the case.
- Know what will satisfy the member that does not violate the contract or leave other workers worse off.
- Encourage the member to attend and work out what role the member will play at the meeting.
- If you haven't met before, talk to union activists who have dealt with the manager to find out what he or she is like.
- Try a role play amongst yourselves having one of you as the manager, the others representing the union and role play your presentation to the manager. Have fun!

## 3 - MEETING TACTICS

### What to say:

- Go over the facts of the case or ask the member to describe what happened.
- If it isn't obvious, say why the problem is a problem.
- Tell the supervisor how you would like to see the problem resolved.

### How to say it:

- Keep calm and low key.
- Don't argue. You are there to work something out not to score points.
- If your solution isn't acceptable, ask if he/she is prepared to do anything.
- Unless you get exactly what you asked for, don't immediately agree to anything.
- If there is no indication that the manager is willing to resolve the issue, tell him or her that the union is prepared to pursue the matter but don't go into details about what you plan to do. Never get into an argument about whether the problem is grievable.
- Never argue in front of management. If either you or the member disagrees with anything that the other is saying, call for a short break and work out your differences in private.

**What to listen for:**

- Factual information that you don't know or that conflicts with your understanding of what happened.
- Any indication of what the manager is prepared to do.
- How the manager would respond if the union pursued the matter.

**After the Meeting:**

- Go over what happened to see if things went the way you thought they would and if you learned anything about the case that you didn't know.
- If the supervisor offered something, ask the member how they feel about the offer and if they would like to propose another solution in light of what was said.
- If the outcome was not satisfactory, work out what to do next in light of what came up at the meeting.

**4 - MEETING PLANNER**

To help you work out your strategy for meetings, we have developed a meeting planner. If you find it useful, make copies and use it each time you are working out a meeting strategy. *(See next page)*

## MEETING PLANNER

Before each meeting, write down what you hope to achieve. If the meeting is part of the grievance procedure, list the step number.

After the meeting, write down what you plan to do next. If it was a grievance meeting, write down the deadline for the union to go to the next step.

### Meeting #1

Step # \_\_\_\_\_

Our Goal: \_\_\_\_\_

Date: \_\_\_\_\_

Present: \_\_\_\_\_

Employer's Position: \_\_\_\_\_

Outcome: \_\_\_\_\_

Do Next: \_\_\_\_\_

Deadline for next grievance step: \_\_\_\_\_

### Meeting #2

Step # \_\_\_\_\_

Our Goal: \_\_\_\_\_

Date: \_\_\_\_\_

Present: \_\_\_\_\_

Employer's Position: \_\_\_\_\_

Outcome: \_\_\_\_\_

Do Next: \_\_\_\_\_

Deadline for next grievance step: \_\_\_\_\_

**Meeting #3**

Step # \_\_\_\_\_

Our Goal: \_\_\_\_\_

Date: \_\_\_\_\_

Present: \_\_\_\_\_

Employer's Position: \_\_\_\_\_

Outcome: \_\_\_\_\_

Do Next: \_\_\_\_\_

Deadline for next grievance step: \_\_\_\_\_

## Section VII - Grievance Handling

### INTRODUCTION

Grievances are the most common method used by stewards to resolve problems when informal methods fail.

What follows is a general overview of grievances and grievance procedures.

The details of how your grievance procedure works are listed in your collective agreement. You will need to go over these details with an experienced steward or executive member before submitting any grievances.

### 1 - DEFINITION OF A GRIEVANCE

The word “grievance” is usually defined in your collective agreement

In most collective agreements, a grievance is a violation of one or more provisions of the collective agreement.

When a formal grievance is submitted, employers are obliged to meet with the union even if they think that the contract has not been violated.

### 2 - WHAT SUBMITTING A GRIEVANCE DOES

Submitting a written grievance gets you a meeting with a manager within a specified period of time.

If the grievance is not resolved at this meeting or if the meeting does not take place on time, the union can submit the grievance to the manager who is responsible for the next level of the grievance procedure.

If the problem is not resolved to the satisfaction of the union by anyone in management, the union has the right to refer the case to an outside arbitrator who has the power to rule on the grievance. Unless the arbitrator’s ruling violates a law, his or her decision is binding on the union and the employer.

### 3 - BEFORE SUBMITTING A GRIEVANCE

To maximize the chances of resolving the issue and to minimize the chance of making a mistake that turns a winning grievance into a losing one, do the following before submitting a written grievance:

➤ **Completely research the case.**

The main causes of lost grievances are poor research and missed deadlines. If you haven't already done so, go over the tips on fact finding in this handbook. (**Section IV**).

➤ **Check with an experienced steward**

It is important to check with an experienced steward to find out:

- ◆ What contract provisions he or she thinks have been violated.
- ◆ How management has dealt with similar cases in the past.
- ◆ How management is likely to react at the grievance hearing.
- ◆ Are there other things you can do besides submitting a grievance that will increase the chances of resolving the situation.

➤ **Try to resolve the problem informally**

Managers should usually be given the opportunity to informally resolve an issue before the formal grievance procedure is used.

Managers will sometimes agree to resolve things "quietly" to stop a grievance from being submitted. You may be surprised at what managers are prepared to accept.

Look over the section of this handbook on meetings (**Section V**) for ideas on how to prepare for meetings.

**Note:**

Never put off submitting a grievance until after the deadlines listed in your contract even if this means forgoing an informal meeting.

## 4 - TIME LIMITS

Almost every contract specifies the maximum time that can elapse between when an incident occurs and a grievance can be submitted to management.

If you submit a formal grievance after that deadline, your employer is usually not obliged to deal with the issue. When you find out about an incident, always note the number of days you have to submit a grievance.

Never miss a deadline for submitting a grievance because you are trying to resolve the issue by other means.

If you do miss a deadline, submit the grievance anyway. Employers are still obliged to meet with you and it will be up to an arbitrator to decide if the grievance can be dismissed because of a missed deadline.

## 5 - WHO "OWNS" A GRIEVANCE?

A collective agreement is a contract between the employer and all of the workers in the bargaining unit. A grievance is usually defined as a violation of the collective agreement. For this reason, the union "owns" the grievance, not the individual grievor.

Unions do not have to submit a grievance just because a member asks them to.

### **But:**

- ◆ By law, unions must submit any grievance that has a reasonable chance of being successful. This is called the "Duty of Fair Representation".
- ◆ Unions must also represent everyone in the bargaining unit whether or not they are members of the union.

Always check with someone on your executive before refusing to submit a grievance.

## **6 - WHO CAN SUBMIT A GRIEVANCE?**

Grievances can be submitted on behalf of an individual, a group or the union itself.

The union can submit a group grievance on behalf of two or more workers provided the facts and the remedy sought are the same. The union can also submit individual grievances on behalf of each person in the group.

The union can submit a grievance on behalf of all the members when the employer does something like refusing to collect union dues.

## **7 - GRIEVANCE FORMS**

CUPE has a standard grievance form that most locals use. *(See example on the next page)*

The grievance form has four basic sections:

- ◆ The top part identifies who is involved.
- ◆ The middle part describes the grievance.
- ◆ The bottom part lists how those involved want the grievance resolved.
- ◆ The second page of the form is used to describe how the incident was resolved.



**GRIEVANCE FORM**

**FORMULE DE GRIEF**

Case No: 1999 - 3  
Dossier No:

Local No: 8000  
Section locale:

Employer: CITY OF DIRE STRAITS  
Employeur:

Employee: LISE SENNA  
Employé(e):

Department MAINTENANCE Classification CLERK  
Département

Supervisor SONNA ZANARDI Employee # 1369  
Supérieur(e) immédiat(e) No de l'employé(e)

TO Seniority date July 1, 1995  
Date d'ancienneté

À FRED NIMO (PERSONNEL OFFICE) Phone# (H) 232-2111 (W) \_\_\_\_\_  
N° de téléphone (R) (B)

Grievance Level Other Address 14 Lonley Street  
Niveau de grief 1  2  3  autre  Adresse

I/We the undersigned claim that  
Je/Nous le(s) soussigné(es) affirme(ons) que ON OR ABOUT OCTOBER 15<sup>th</sup>, I WAS DENIED OVER TIME PAY IN  
VIOLATION OF OUR COLLECTIVE AGREEMENT

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Therefore I/we request that  
Donc je/nous recommande(ons) que FULL REDRESS, INCLUDING PAYMENT AT OVER TIME RATES PLUS INTEREST AND BENEFITS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Employee(s) or Union Officer  
Signature de l'employé(e) ou des employé(e)s ou d'un(e) dirigeant(e) syndical(e) Lise Senna

\_\_\_\_\_  
\_\_\_\_\_

Grievor \_\_\_\_\_ Date \_\_\_\_\_  
Plaintiff/plaintive \_\_\_\_\_  
Union officer Joe Hill Date \_\_\_\_\_  
Dirigeant(e) syndical(e)

DATE: \_\_\_\_\_ (over) (verso)



## 8 - WHAT TO PUT ON A GRIEVANCE FORM

In addition to anything that is specified in your collective agreement, you must include the following on the grievance form:

- ◆ The information about who was involved (*listed in the top part of the form*).
- ◆ *I/we the undersigned claim that:*
- ◆ “On or about [insert date] I was (or we) were....., in violation to our collective agreement.
- ◆ *Therefore, I/we request that:*
- ◆ “Full redress including.....”
- ◆ The date that the grievance was submitted to the employer.

For example:

- ◆ If Lise Senna, a clerk typist in the City of Dire Strait’s Maintenance Department, was denied overtime for work on Oct.15, by Sonna Zanardi a steward for CUPE Local 8,000, would write:

*I/we the undersigned claim that:*

“On or about Oct. 15 I was denied overtime pay, in violation to our collective agreement.

*Therefore, I/we request that:*

“Full redress including payment at overtime rates plus interest and benefits.”

*(Look at the Grievance on the previous page to see how the rest of the form was completed).*

- ◆ If Jim Clark, Paul Rose and Sandra Hum were suspended for coming in late on Oct. 15 you would write:

*I/we the undersigned claim that:*

“On or about Oct. 15 we were unjustly suspended, in violation to our collective agreement.”

*Therefore, I/we request that:*

“Full redress including payment of lost wages and benefits and elimination of any reference of the incident in our personal files.”

- ◆ If Junior Wells was denied a promotion on Oct. 15, you would write:

*I/we the undersigned claim that:*

“On or about Oct. 15, I was denied promotion, in violation to our collective agreement.”

*Therefore, I/we request that:*

“Full redress, including immediate assignment to the job and payment of wages and benefits at the job rate, retroactive to Oct. 15.”

- ◆ If Ravinder Sandhu was harassed by Jason Brant on Oct.15<sup>th</sup>, you would write:

*I/we the undersigned claim that:*

“On or about Oct. 15, I was harassed by Jason Brant, in violation to our collective agreement”.

*Therefore, I/we request that:*

“Full redress, including a letter of apology from Mr Brant and the transfer of Mr Brant from my work area”.

**Note:** Keep it simple. The less you write, the less there is to mess up! Any factual errors can be used to deny the grievance.

- In particular, put down as little as possible about the incident. As long as there is enough information for management to identify the incident being grieved, the form will be “legal”. Write the facts of the case on a separate sheet (like the grievance fact sheet) that the union does not submit to the employer.
- Write “on or about” when listing a date so that the grievance will not be lost if you make a mistake about the date.
- Write “Full redress including” so that the union has the right to add things to the settlement at a later date. The redress may vary depending on what the grievor wants.
- Write the date that the grievance is submitted to management on the bottom of the form.
- Your local may add additional information or complete the form in a different way or use a different grievance form.
- The only way to learn how to complete grievance forms is to complete forms.
- Even if you are not sure what to write, complete the form then show it to a more experienced steward.

Until you have gained some experience, never submit a grievance until an experienced steward or a member of your executive has gone over it.

## 9 - CONTRACT INTERPRETATION

You need to know how your grievance procedure works before you can submit a grievance.

To help you with this, we have a list of questions that a more experienced steward or executive member should answer before you start submitting grievance forms. (*See next page*).

You also need to know how various clauses in your collective agreement have been interpreted in the past.

To learn these things, spend some time with an experienced steward going over the grievance examples in this handbook. Work out which clauses of your collective agreement were violated in each incident, how the steward would complete the grievance form and the deadline for submitting the grievance.

Until you feel comfortable, have a more experienced steward go over what you write before you submit a grievance.

### GRIEVANCE PROCEDURE DETAILS

Ask someone who is familiar with your collective agreement to help you answer the following questions:

#### COMPLAINT INVESTIGATION

Can stewards leave work to investigate complaints?

Details:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Do members have the right to leave work to talk to their steward?

Yes  No

Details:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### TIME LIMITS

Informal or First Step (before grievance form submitted)

Yes  No

- If Yes: Manager who steward meets with \_\_\_\_\_
- Time limit: \_\_\_\_\_ days after the incident took place.
- If an incident occurred on Monday, the union has until \_\_\_\_\_ to request a meeting.
- If an incident occurred on Friday, the union has until \_\_\_\_\_ to request a meeting.
- Time limit for management to respond: \_\_\_\_\_ days from the meeting date.

**First Step (Step where a written grievance is first submitted)**

- Manager who steward meets with \_\_\_\_\_
- Time limit: \_\_\_\_\_ days after the incident took place.
- If an incident occurred on Monday, the union has until \_\_\_\_\_ to request a meeting.
- If an incident occurred on Friday, the union has until \_\_\_\_\_ to request a meeting.
- Time limit for management to respond: \_\_\_\_\_ days from the meeting date.

**Second Step**

- Manager who receives the grievance \_\_\_\_\_
- Time limit: \_\_\_\_\_ days after management’s response or management’s step 1 time limit expires if there is no response.
- Time for management to respond: \_\_\_\_\_ days from receiving the grievance.

**Third Step**

- Manager who receives the grievance \_\_\_\_\_
- Time limit: \_\_\_\_\_ days after management’s response or management’s step 2 time limit expires if there is no response.
- Time for management to respond: \_\_\_\_\_ days from receiving the grievance.

Aside from a brief description of the incident that is being grieved, the time of the incident and the remedy sought are any of the following routinely recorded on the grievance form:

- Provisions Violated Yes  No
- Name of Supervisor involved in incident Yes  No
- Details of the incident Yes  No
- Details of the remedy sought Yes  No

**TIME LIMITS**

Name of person that steward can contact for advice and support:

Name: \_\_\_\_\_  
 Phone #: (Work) \_\_\_\_\_ (Home) \_\_\_\_\_

Stewards’ committee meetings:

Date: \_\_\_\_\_  
 Time: \_\_\_\_\_  
 Location: \_\_\_\_\_

## 10 - FORMAL GRIEVANCE HEARINGS

The information about informal meetings in the last section applies to any meeting you have with an employer representative to resolve a problem.

In addition, here are some tips to keep in mind when you participate in a formal hearing that takes place as a result of the union submitting a grievance:

- ◆ Do not argue about contract interpretation. Say that you are there to resolve the problem not to debate how an arbitrator will interpret the contract.
- ◆ Keep careful notes of what the manager says and what, if anything, they are prepared to do to resolve the problem.

**APPENDIX I****STEWARDS AND THE ROLE OF CUPE**

**CUPE** STAFF MEMBERS AND **CUPE** STRUCTURES EXIST TO SUPPORT THE ACTIVITIES OF LOCAL UNIONS BY PROVIDING INFORMATION, ADVICE, TRAINING AND FORUMS TO HELP CO-ORDINATE ACTIVITY

**Role of Staff**

- ◆ Aside from direct assistance as spokes-people at bargaining and arbitration hearings, staff representatives are there to help you do things for yourself rather than to do things for you.
- ◆ The ability of any local to help solve its members' problems and maintain their standard of living is based on the members' willingness to support each other and act together, not on how much of the day to day work of the local is taken on by CUPE Staff. For this reason, the staff's role is primarily that of a resource person. All of CUPE's technical advice concerning job evaluation, human rights, health and safety, the law etc. is available through your representative.

**CUPE Structures**

CUPE structures such as district councils, and divisions exist to promote the sharing of ideas and the co-ordination of activities to deal with issues that affect members in more than one local.

Here is a brief description of each of CUPE's elected bodies along with the kinds of support each offers for local unions:

**CUPE District Councils**

- District Councils co-ordinate the activities of CUPE at the local level.
- District Councils provide a means by which several CUPE locals can pressure local politicians. District Councils also help to co-ordinate bargaining.
- District councils often sponsor CUPE training workshops.
- District Councils are an excellent source of information, a place to meet and exchange ideas with other CUPE activists in your community and the place to co-ordinate any CUPE campaign aimed at local politicians.
- Affiliation to the District Councils is voluntary.

## Provincial Divisions

- Provincial Divisions co-ordinate the activities of CUPE locals on a provincial level. Since almost all of the laws affect CUPE members, a strong Division is essential for CUPE members.
- Some Divisions also set up occupational groupings. For example, municipal locals may form a grouping to share information about settlements, employer trends in contracting out, and to work out a common response to provincial funding cuts to municipalities.
- Occupational groupings are the best forum to develop any form of province-wide co-ordinated bargaining. They are also the best place to find out what is happening to other workers doing the same job as your members.
- Affiliation to Divisions is voluntary.

## CUPE National

### CUPE exists:

- To increase members ability to influence their employer and government by sharing resources, using experts to bring the members' concerns to the attention of the public and by building alliances with groups outside of the labour movement.
- To promote solidarity by setting up defence funds and by sharing information and resources.
- To promote solidarity by helping other public sector workers to organize.
- To promote the interests of public sector workers within the labour movement.
- To provide services that few locals can afford to provide on their own.
- To improve wages, working conditions, hours of work, job security and other conditions affecting all employees including retirees pension benefits.
- To promote efficiency in public service generally.
- To promote peace and freedom in the world, and the co-operation with free and democratic labour movements throughout the world.
- To utilize our nation's natural and human resources primarily for the satisfaction of human need.
- To eliminate sexual and racial harassment, or harassment based on sexual orientation, wherever it exists.
- To establish strong working relationships with the public we serve and the communities in which we work and live.

## **CUPE Support for Stewards**

CUPE staff representatives are located in over 65 regional and area offices.

Staff representatives support stewards by providing advice on grievance handling, contract and labour law interpretation and direct action. Staff also acts as spokes-people for the union in arbitration cases.

Representatives act as a liaison with technical representatives to provide advice and support in the following areas:

### **Researchers**

- Offer technical analysis on bargaining proposals and model contract language, industry trends and government policies. With the largest union Research branch in Canada, CUPE offers expertise by sector and province, ensuring that locals have the information they need to negotiate the best possible contract and to ground political action in support of their bargaining demands.

### **Health and Safety experts**

- Help workers identify and prevent workplace hazards, assure occupational health standards and advocate improved legislation and enforcement. Whether the risks arise from unsafe equipment or environmental spills, repetitive strain, stress or workload, CUPE has the facts and the tools to address these problems and to press for remedies.

### **Equality specialists**

- Have experience in tackling discrimination, racism and harassment and understand the issues related to pay and employment equity. Working closely with locals, they can recommend an approach that can address problems of inequality in the workplace, in our collective agreements, within our union and in the broader community.

### **Job evaluation experts**

- Know how to compare apples and oranges and can help locals ensure that the value of their members' work is recognized and fairly compensated. With pay equity and as job categories are shuffled with restructuring and amalgamations, locals require technical support to ensure that their members' interests are protected.

### **Lawyers**

- Give advice and technical assistance to locals in interpreting the collective agreement and relevant legislation, in handling grievances and arbitration cases and in preparing submissions to labour boards and the courts. Ready access to expert legal opinion can play a decisive role in equipping locals to use the law as a tool in defence of workers.

### **Educators**

- Work with local members to build their skills and confidence, tackling the full range of issues that affect members day to day. Workshops on topics as diverse as handling grievances and handling toxic substances, fighting privatization and fighting racism, building class consciousness and building an internal communicators network are offered directly to locals and in special schools.

### **Communicators**

- Assist in developing campaigns to avert strikes or win them, attract or divert media attention, influence the public or politicians. With support for newsletters, pamphlets and ad campaigns, media releases and public rallies, locals can mobilize their members, demonstrate community support and put employers and governments on the defensive.

### **Organizers**

- Help organize new workplaces and sign up unorganized workers.
- By increasing union membership, we all win. Those with first contracts can count on improved wages and working conditions. And for those who are already organized, there is less threat their job will be contacted out to a low wage employer.

### **Accountants**

- Help locals with financial systems, accounting and reporting. By calling the Secretary-Treasurer's Help Line at 1-800-363-CUPE, you'll get the support you need.

For more information on CUPE see the brochure - "CUPE: OUR STORY".

**APPENDIX II**

**FORMS  
FOR  
STEWARDS**

### MEETING PLANNER

Before each meeting, write down what you hope to achieve. If the meeting is part of the grievance procedure, list the step number.

After the meeting, write down what you plan to do next. If it was a grievance meeting, write down the deadline for the union to go to the next step.

#### Meeting #1

Step # \_\_\_\_\_

Our Goal: \_\_\_\_\_

Date: \_\_\_\_\_

Present: \_\_\_\_\_

Employer's Position: \_\_\_\_\_

Outcome: \_\_\_\_\_

Do Next: \_\_\_\_\_

Deadline for next grievance step: \_\_\_\_\_

#### Meeting #2

Step # \_\_\_\_\_

Our Goal: \_\_\_\_\_

Date: \_\_\_\_\_

Present: \_\_\_\_\_

Employer's Position: \_\_\_\_\_

Outcome: \_\_\_\_\_

Do Next: \_\_\_\_\_

Deadline for next grievance step: \_\_\_\_\_

**Meeting #3**

Step # \_\_\_\_\_

Our Goal: \_\_\_\_\_

Date: \_\_\_\_\_

Present: \_\_\_\_\_

Employer's Position: \_\_\_\_\_

Outcome: \_\_\_\_\_

Do Next: \_\_\_\_\_

Deadline for next grievance step: \_\_\_\_\_



## **Grievance Fact Sheet**

This Grievance Fact Sheet is designed to assist Grievance Officers to keep a written record of what the grievance is about and what happens to it as it is processed through the various steps of the grievance procedure.

It is an important document and should be completed with care and accuracy. This document will provide the union representative with a complete history of the case. It will provide details of the grievance which may otherwise be overlooked or forgotten about.

When the grievance is finalized, the completed form should be placed in the local union's file for future reference. Copies should also be given to the CUPE Representative.

# GRIEVANCE FACT SHEET

## FOR THE UNION ONLY

To be filled out by the Steward and attached to the  
UNION COPY ONLY of Grievance No. \_\_\_\_\_ Local \_\_\_\_\_

**PLEASE PRINT**

## WHO IS INVOLVED IN THE GRIEVANCE?

### GRIEVOR

Name: _____
Department: _____
Classification: _____ Wage Rate: _____
<b>SENIORITY – Employer-wide (date)</b> _____
<b>Bargaining-Unit Seniority (date)</b> _____
<b>Department (date)</b> _____
<b>Classification (date)</b> _____

### SUPERVISOR OR OTHER MANAGEMENT INVOLVED:

Name: _____
Department: _____
Job Title: _____

### WITNESSES OR OTHER PERSONS INVOLVED:

Name: _____
Department: _____
Classification: _____
_____
Name: _____
Department: _____
Classification: _____

**WHAT** HAPPENED? WHAT IS THE GRIEVANCE ABOUT? (make sure to include all points mentioned on the checklist for each type of grievance)

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**WHEN** DID THE GRIEVANCE OCCUR? (date and time grievance began? how often? for how long? is it within time limits to proceed with a grievance?)

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**WHERE** DID THE GRIEVANCE OCCUR? (exact location – department, machine, aisle, job number, etc; include diagram, sketch or photo if helpful)

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**WHY** IS THIS A GRIEVANCE? (violation of contract? supplement? law? past practice? safety regulations? rulings or awards? unjust treatment? etc)

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**WANT** GRIEVANCE SETTLED AND REDRESS IN FULL (adjustments necessary to completely correct situation; in case of discharge ask for back pay)

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**EMPLOYER CONTENDS:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Employer record of Conduct** Warnings and/or penalties for lateness, absenteeism, quantity or quality of work, etc.)

	<b>Dates</b>	<b>Reasons</b>
Verbal warnings issued:	_____	_____
Written warnings	_____	_____
Penalties imposed:	_____	_____
Any relatenformation:	_____	_____
	_____	_____
	_____	_____

**ADDITIONAL INFORMATION**

**Information Given By Witnesses** (print the name of each witness followed by a summary of what each saw and heard; get a signed statement).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_ Signed \_\_\_\_\_  
Witness \_\_\_\_\_

Date \_\_\_\_\_ Signature of Steward \_\_\_\_\_

Signature of Aggrieved Employee: \_\_\_\_\_

# CHECKLIST

## FOR GRIEVANCE INVESTIGATION

HAVE THESE POINTS BEEN COVERED AND ENTERED ON THE FACT SHEET?

### DISCHARGE AND REPRIMAND

1. Previous work record.
2. Complete record of events leading to discipline.
3. An account of the incident resulting in discharge or reprimand.
4. Management's reason for its action.
5. Past practice in similar cases.
6. Supervisor's name, etc.
7. Name of witnesses, etc
8. Dates and times (important to case).

### VACATIONS

1. Time requested.
2. Time allotted.
3. Seniority.
4. Number of Employees in work group.
5. Employer's reasons for denial of request.
6. Names of other employees involved.
7. Seniority and classification of other employees involved.

### TRANSFER

(Denial of)

1. Grievor's seniority and classification.
2. Department requested.
3. Name of new employees hired.
4. Date of request for transfer.
5. Availability of replacement for Grievor.
6. Supervisor's reasons for not agreeing to transfer.

### HARASSMENT

1. Incident: Date, time, place
2. Kind of harassment: personal, racial, sexual.
3. Consequences: promotion denied, position downgraded, unfair discipline.
4. Health effects: mental and physical.
5. Identify Harassment: Supervisor, Departmental Head of Co-worker.
6. Identify Witnesses: Co-workers and others
7. Is this a repeated incident?
8. Has it been drawn to management's attention before?

### OVERTIME

(regular)

1. Date and shift overtime was scheduled.
2. Classification scheduled for overtime.
3. Grievor's classification.
4. Name and classification of employee who worked.
5. The actual work that was performed.
6. Previous record of overtime distribution.
7. Last time Grievor worked overtime.
8. Number of accumulated hours of overtime for Grievor (and others).
9. Supervisor's reasons for not asking Grievor to work.

### IMPROPER LAYOFF

(or Recall)

1. Employer-wide seniority of Grievor.
2. Bargaining-unit seniority of all involved
3. Departmental seniority of all involved. Classification or group seniority of all involved.
4. Type of work to be performed.
5. Previous experience of all concerned.
- 6.

### JOB POSTINGS

(Unsuccessful Applicant)

1. Grievor's classification and seniority.
2. Grievor's experience and previous jobs.
3. Name, classification and seniority of successful applicant.
4. Experience and previous jobs of successful applicant.
5. Management's reasons for rejecting the Grievor.
6. Management's reasons for choosing the successful applicant.

### OVERTIME

(Statutory Holidays)

1. Same as regular overtime.
2. Identify Statutory Holidays involved.
3. Verify that Grievor qualified for holiday pay. Verify that Grievor was willing to work.
4. Verify that it was Grievor's turn to work.
5. Verify that supervisor deliberately bypassed Grievor
- 6.

### SAFETY HAZARDS

1. Name, classification, department of Grievor.
2. An account of the incident
3. What caused the complaint?
4. Has it been previously reported?
5. What action has management taken?
6. What law or rule is violated.
7. Witnesses: Names, etc.
8. Any injuries.
9. Nature of injury.

### IMPROPER PAY

(Work Assignment)

1. Grievor's classification and seniority.
2. Grievor's regular work assignment.
3. Grievor's assignment on day in question.
4. Grievor's assignment on day in question.
5. Rate of pay applicable to assignment.
6. Exact work performed by Grievor and instructions from supervisor.
7. Grievor's experience and previous jobs.
8. Management's reason for not paying the higher rate.

### SUPERVISORS WORKING

1. Name of person doing work.
2. Type of work performed.
3. Amount of time worked.
4. Area where work was done.
5. Grievor's classification.
6. Availability of Grievor.
7. Supervisor's reason for working.

### Note :

If this is a Discharge or Discipline Case:

- ✓ Did you ask about personal problems of the grievor?
- ✓ Did you ask about any previous record, good or bad, long or short?
- ✓ Did you probe any extenuating circumstances in this case?
- ✓ Did you ask about the personal character of all people involved?
- ✓ Did you discuss the consequences of the penalty?
- ✓ Did you consider whether or not the punishment fits the crime?
- ✓ Did you advise the grievor to seek employment while waiting?







# GRIEVANCE FORM

# FORMULE DE GRIEF

Case No: \_\_\_\_\_  
Dossier No: \_\_\_\_\_

Local No: \_\_\_\_\_  
Section locale: \_\_\_\_\_

Employer: \_\_\_\_\_  
Employeur: \_\_\_\_\_

Employee: \_\_\_\_\_  
Employé(e): \_\_\_\_\_

Department \_\_\_\_\_  
Département \_\_\_\_\_

Classification \_\_\_\_\_

Supervisor \_\_\_\_\_  
Supérieur(e) immédiat(e) \_\_\_\_\_

Employee # \_\_\_\_\_  
No de l'employé(e) \_\_\_\_\_

TO \_\_\_\_\_

Seniority date \_\_\_\_\_  
Date d'ancienneté \_\_\_\_\_

À \_\_\_\_\_

Phone# \_\_\_\_\_ (H) \_\_\_\_\_ (W) \_\_\_\_\_  
N° de téléphone \_\_\_\_\_ (R) \_\_\_\_\_ (B) \_\_\_\_\_

Grievance Level \_\_\_\_\_ Other \_\_\_\_\_  
Niveau de grief 1  2  3  autre

Address \_\_\_\_\_  
Adresse \_\_\_\_\_

I/We the undersigned claim that  
Je/Nous le(s) soussigné(es) affirme(ons) que \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Therefore I/We request that  
Donc je/nous recommande(ons) que \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Employee(s) or Union Officer  
Signature de l'employé(e) ou des employé(e)s ou d'un(e) dirigeant(e) syndical(e) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Grievor \_\_\_\_\_  
Plaintiff/plaintive \_\_\_\_\_  
Union officer \_\_\_\_\_  
Dirigeant(e) syndical(e) \_\_\_\_\_

Date \_\_\_\_\_  
Date \_\_\_\_\_

DATE: \_\_\_\_\_

(over) (verso)

