

UFCW UNION STEWARD HANDBOOK BOOK 1



CONGRATULATIONS!
You're a Union Steward!

 **UFCW**
a **VOICE** for working America

THE UFCW: Who We Are

Working people across the United States and Canada are proud to call the United Food and Commercial Workers Union their union. We are from all backgrounds and walks of life in big cities, small towns, and suburbs. We work in a wide range of industries.

The UFCW is 1.3 million members standing together to improve the lives of workers, families, and communities working in:

- Supermarkets and grocery stores;
- Meatpacking and meat processing plants;
- Food processing and general manufacturing;
- Non-food retail stores;
- Warehouse/distribution, and
- Healthcare

In nearly every city or town in North America there is a UFCW local union. Local unions represent and are run by their members. The International Union coordinates the work of the locals. To increase our strength, the UFCW works with other unions in North America and around the world.

As a union member, we have something in common with many of our favorite actors, athletes and musicians, as well as construction workers, hotel employees, health care workers, truck drivers, warehouse workers, farm workers, manufacturing and service workers. We are all a part of today's labor movement.

Why Have a Union?

When working people join together in unions, we have the power to improve our workplaces and communities. "In union there is strength." We can achieve greater improvements when we are united than as individuals. Without a union contract management could treat us however they wish and fire us at any time.

The union difference is clear. Union workers earn higher pay than non-union workers and are more likely to have benefits. Union workers have a voice in our conditions of work and enjoy the security of a union contract. Perhaps most importantly, the impact of unions spreads beyond the workplace, and affects economic and social justice in our communities.

Labor's Legacy

The story of workers in our industries is long and proud. Meat-cutters, packinghouse workers, retail clerks and others were involved in the earliest union organizing struggles in North America. Their efforts are the foundation upon which we stand today. As a result of their courage, we have experienced real change and gained a strong voice on the job for ourselves and future generations.



Although their efforts to organize were often met with violence and repression, **the labor movement has succeeded in winning many of the workplace protections we enjoy today.**



The Role of the Union

The “Union Triangle”—it takes more than bargaining and grievances to defend and improve working conditions

Most union members understand that negotiating contracts and filing grievances are important ways to protect and improve our conditions at work. However, contract and grievance victories can be swept away quickly by a new law or regulation. Similarly, if 95% of the workplaces in an industry are non-union, even the best negotiators will lack the power to win significant improvements.

The three interdependent functions of the union are often called “The Union Triangle.” If any one of these programs is weak, efforts in other areas suffer.



Representation (Bargaining & Solving Worksite Problems)

We negotiate as a group with our employers for dignity on the job and for numerous rights and benefits outlined in a union contract. Our contract can cover almost any work-related issues or topic, but common issues we address are:

- Wages, health care and retirement plans
- Reasonable work schedules set by seniority
- Job security and seniority rights
- Workplace safety and training
- Protection from unfair treatment and favoritism by management
- Paid vacations, sick or family leave, paid holidays, personal days and other benefits
- Grievance procedures

Negotiating fair contracts requires that we stay united and work with our community allies, consumers and other unions to build the strength to force management to do the right thing.

Once we have an agreement, we enforce it to make sure that management follows the contract. The contract defines our rights and sets limitations for management.

By organizing members to work together, stewards can solve problems on the job and address contract enforcement issues. This may include filing grievances and taking collective action.

Political and Community Action (Local and National)

The union works with other organizations and elected officials to bring about social and economic justice in our worksites and communities. We elect representatives who support working people and lobby for legislation that benefits our communities.

We work to establish long-term relationships with other organizations to work toward common goals. When it comes to political elections, we educate people about the issues at stake and evaluate candidates based on their record and their commitment to working people's concerns.

Often, we go as a group to lobby local, state and national representatives. Many of the laws that protect and expand people's rights have been fought for by the labor movement and our allies. Sometimes, we hold candidate forums and town hall meetings so that our elected representatives can hear directly from union members.



As a steward, you can help by:

- Connecting our union with other organizations you belong to.
- Learning more about community and political issues facing working people.
- Informing co-workers about the union's political and community work and how they can become involved.
- Contributing and asking co-workers to join the union's Active Ballot Club (ABC)
- Attending rallies, marches and other events organized by the union and our coalition partners.
- Registering members to vote and helping with get-out-the-vote efforts.

Organizing (Internal and External)

We need the strength that comes from all of us standing together. When all or most of the workers in an industry are members of our union, we can raise the standards for all workers. If the union only represents a portion of an industry, it is easier for employers to demand concessions. The process of bringing new worksites into our union is called “**external organizing.**”

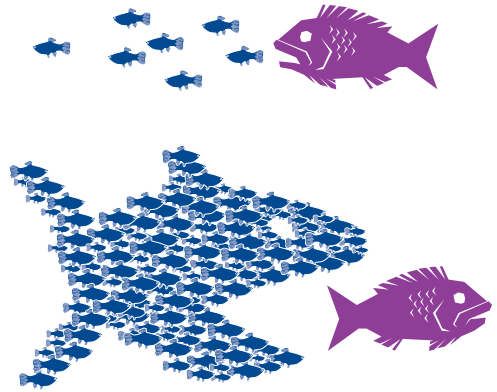
Since having more unionized workers in our industries makes us all stronger, it is important that stewards help our union grow by:

- Taking more responsibility where we work to represent members so union staff have more time to organize. We can develop our skills and learn how to handle workplace problems.
- Demonstrating our support during contract negotiations for agreements that extend union representation to unorganized workers in other locations.
- Volunteering to help our local union with organizing campaigns. This may include talking to unorganized workers about why the union matters. People usually want to hear from workers like themselves doing similar work.
- Supporting our local union's efforts to devote time and resources to organizing.



Winning respect, dignity, good pay, benefits and rights on the job, requires power. The process of building our collective power is called **internal organizing**. This includes:

- Standing up and lending our voice when management doesn't treat workers fairly and with dignity and respect.
- Showing solidarity by participating in worksite actions by wearing stickers/ buttons, signing petitions, passing out flyers or taking other actions to enforce the contract.
- Contributing ideas for bargaining proposals, supporting the bargaining committee and showing management that we are united for a good contract.
- Asking fellow workers and members to contribute to our Active Ballot Club (ABC) so that we can elect worker-friendly representatives and register our co-workers to vote.
- Staying informed and participating in all aspects of building and running our union.
- Recruiting co-workers from other shifts and job areas to become stewards and activists themselves.

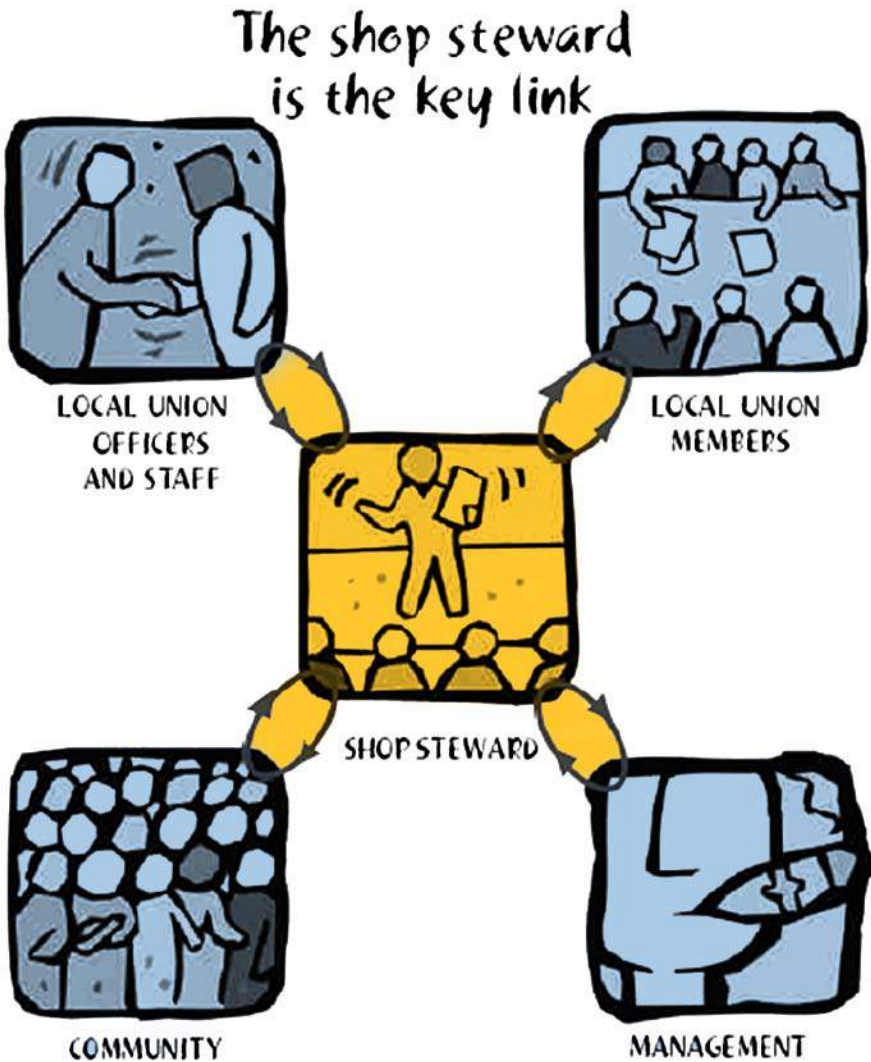


*If you give me a fish, you have fed me for a day.
If you teach me to fish, then you have fed me until
the river is contaminated or the shoreline seized for
development. But if you teach me how to organize,
then whatever the challenge I can join together with
my peers and we will fashion our own solution.*

—Ricardo Levins Morales, labor artist

The Role of the Union Steward

As shown below, the union steward is a key “link” in the union. As a steward, you make collective bargaining agreements meaningful by helping your co-workers to implement and defend their rights on a day-to-day basis. You are in the best position to understand your co-workers’ concerns and priorities, organize with them to take action, and communicate their priorities to other union leaders. You are also in the best position to educate co-workers about our union’s goals.



Organizer

Our most important job is to build an active, united membership in our workplace. Our ability to defend and improve conditions will always depend on the collective power of our membership.

- **Welcome new employees and let them know how they can become involved.**
- **Ask non-members to join our union.**
- **Constantly find ways to involve more members in the activities of the union** such as solving workplace problems, supporting negotiations, or participating in political action.



Communicator & Educator

The most effective forms of communication are one-to-one workplace conversations. Flyers, newsletters, emails, and meetings are all important, but the best way to inform members, get feedback, and encourage participation is through personal contact.

- **Listen and learn** about workers' problems and concerns.
- **Teach workers about our union**, their rights under our contract, bargaining goals, important issues affecting working people and political efforts.
- **Always challenge members to help win improvements**—be specific with your request.
- **Unite and inspire your coworkers to work together.**
- **Stay informed and be a link** between workers, stewards, officers and staff.
- **Educate by example** through participation in union campaigns and other activities.





Problem-Solver

Stewards should be prepared with various strategies for solving problems. Some problems only affect one person, others affect a group. Different issues require one or more of the following:

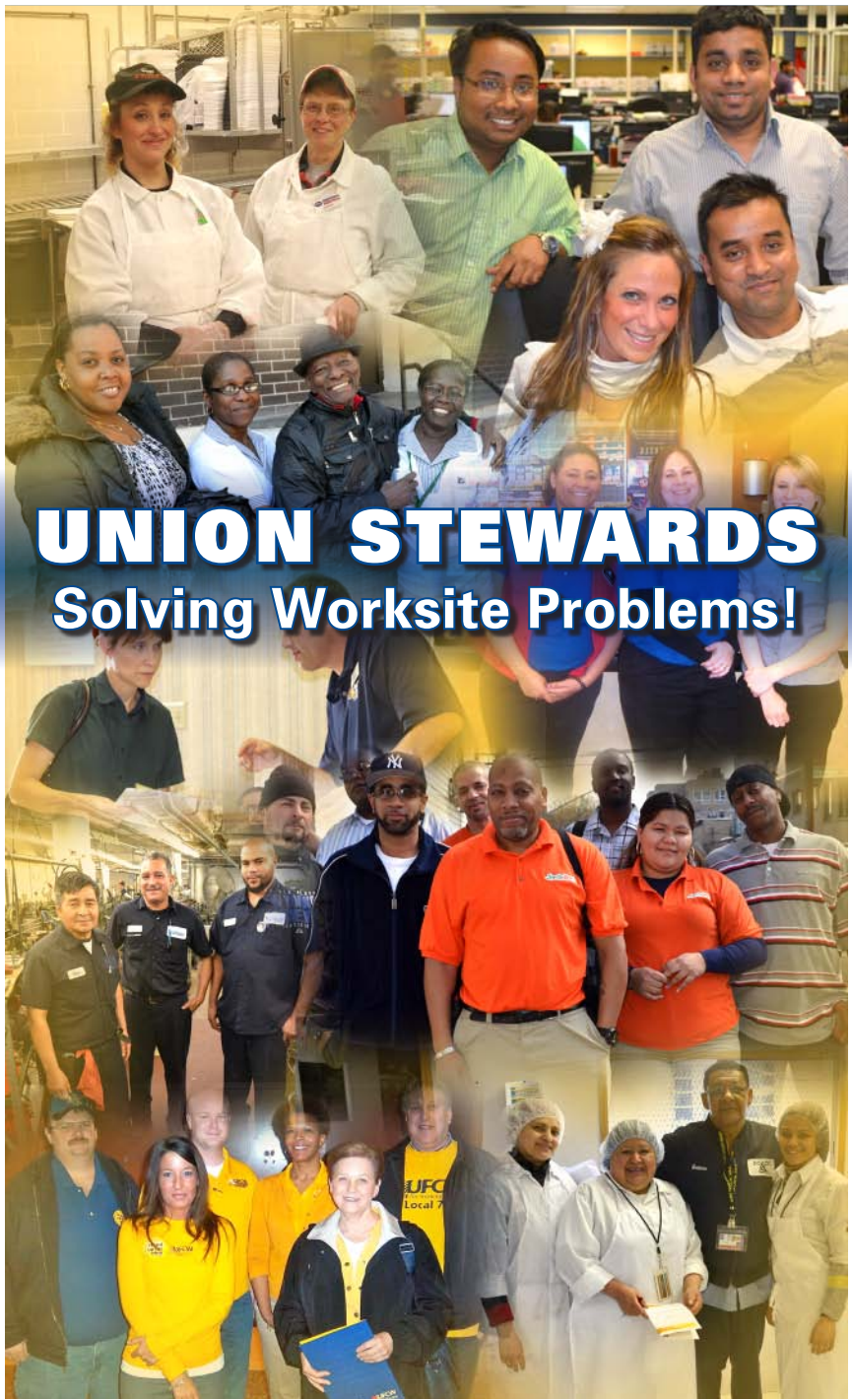
- **Mobilizing workers to solve problems as a group.** When issues affect large numbers of workers and provoke strong worker reactions, they may be best handled through a group action such as a petition, a “march on the boss,” or a button day.
- **Holding informal discussions with management,** the steward, and affected workers.
- **Using the grievance procedure** to address violations of the contract, company rules/policies or past practices (something that regularly, previously occurred).

Leader

Actions speak louder than words—a steward sets the example as a unifying advocate for workers' rights.

- **Build unity:** find common ground on problems that threaten to divide our co-workers.
- **Be an active participant in union decisions and actions:** contract campaigns, conventions, political action, and organizing efforts...and always bring a co-worker!
- **Maintain a good work record.** Don't give management an excuse to discipline you. Be a role model for other workers.
- **Involve members when advocating on their behalf.**
- **Make sure everyone is involved in our union.** Be aware of groups of members – perhaps by shift, gender, race, job title, language, etc. – who are not involved, and find ways to break down these barriers.





UNION STEWARDS

Solving Worksite Problems!

SOLVING PROBLEMS AS A UNION STEWARD

Solving workplace problems is the steward's primary responsibility. Our goal should always be to solve problems informally when possible. Many, if not most, workplace problems are solved this way. Stewards simply approach supervisors or managers, make a case and convince them to do what the member wants.

A few other things to keep in mind when doing the challenging work of solving problems as a union steward:

- *You are not alone! Seek and use the knowledge and support of your local union leadership, fellow stewards, and active members to help you solve problems.*
 - Problems are often solved and grievances often settled not just based on who has the strongest case or most logical arguments, but because of the solidarity and strength the union has in the workplace.
 - If you see or hear of a problem or a possible contract violation, you do not have to wait for workers to come forward to complain about it. You have the right to take action to require management to act fairly and follow the contract.
 - Your job is to fight for your co-workers and defend their rights under the contract. This does not mean you will always like or even agree with every worker you represent, but it does mean you must often separate your personal feelings from your overall duty to the union and the contract. Remember that even in cases where a worker clearly made a mistake, the union is still responsible for fighting for the worker's chance to improve and insuring that management has issued any discipline in a fair manner.



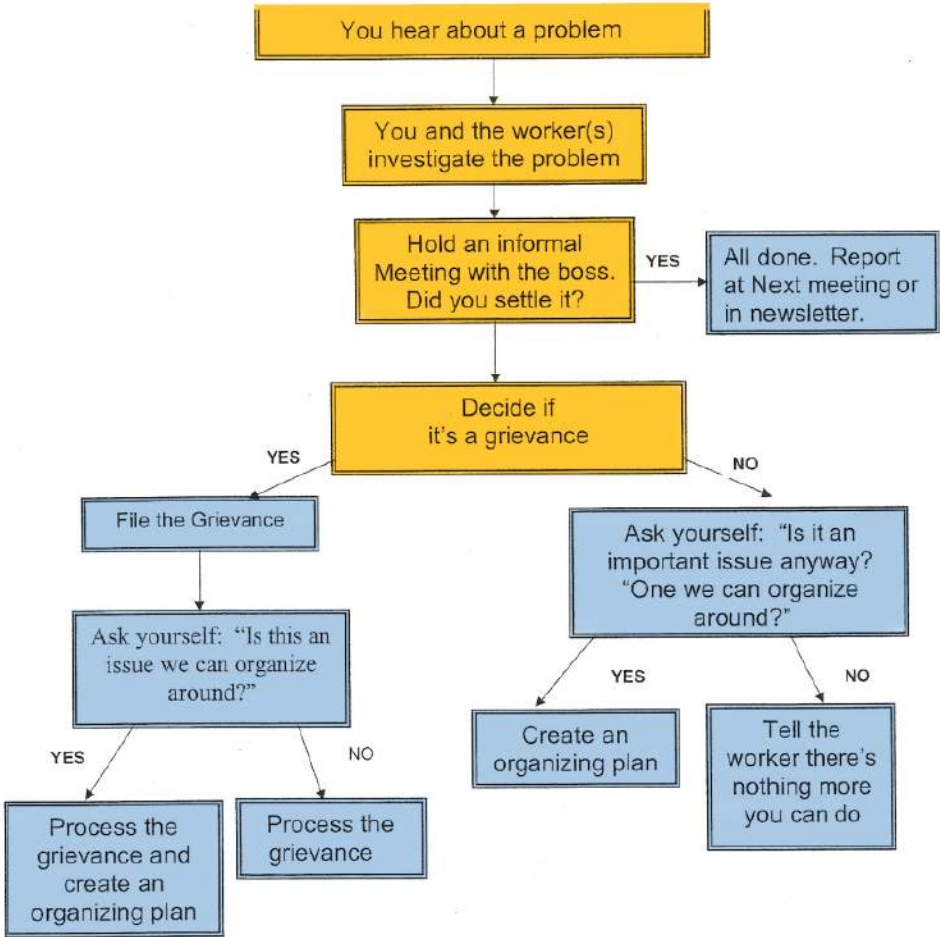
SORTING THROUGH PROBLEMS & IDENTIFYING GRIEVANCES

As a steward, you may receive all kinds of complaints from co-workers. Some of these will be complaints you can pursue through mobilizing members, meeting with management informally and/or filing a grievance. After you hear a complaint and gather all the facts, you may decide it is a grievance, a potential legal claim and/or something that workers could organize around.

Occasionally, you may determine a complaint is a problem the union cannot address. The process of sorting out issues is one of the most important functions of a steward. You should consult with your union representative when deciding what course of action to take.

See the chart below for ideas on addressing worksite problems.

A Steward's Guide To Problem-Solving



Remember—a grievance is only one tool for solving worksite problems. Some issues require you to have other strategies in your “toolbox.”

Always work in collaboration with your union representative when deciding the best tools to use.

When should you organize with your co-workers to solve a problem?

Any time you are confronted with a problem, you should consider all the possible strategies for solving it. Will an informal meeting between the steward, the grievant, and management likely resolve the problem? Is there a track record of addressing this sort of problem through the grievance procedure? Should you file a grievance *and* organize workers to sign a petition so management takes the grievance more seriously? Should you organize a group of workers to meet with managers?

“Organizing” happens when workers unite together to create change. Workers who do not have unions “organize” to form labor organizations and people in already unionized worksites “organize” to make improvements.

Below are just some of the situations in which organizing your co-workers may be more effective than simply filing a grievance:

- When worksite organizing will strengthen the union and build workers’ sense of solidarity and purpose.
- When a large number of workers is affected by the problem.
- When the contract is unclear and/or doesn’t address the problem.
- When managers are repeatedly violating the contract or refusing to settle grievances in a timely manner.
- When workers are hesitating to file grievances individually, for fear of retaliation.





How have other stewards mobilized their co-workers to solve problems?

- **“March on the Boss”**—*organize a group of workers to meet with management*
- **Petition**—*create a unifying petition and get a large number of workers to sign*
- **Group grievance**—*depending on your contract language, file on behalf of the largest possible number of workers affected (this may mean filing many individual grievances simultaneously)*
- **Stickers or buttons**—*organize a day when a majority of workers wear a sticker or button highlighting the problem*
- **Involve allies**—*for example, if a certain elected official could influence management to solve the problem, organize workers to meet with that person*

Being involved in a victory makes members more active! Winning by organizing is the best way for workers to learn that we really do have power when we stick together.

Mobilizing to Solve Problems—Sample Form

of members in work area: _____

Issue: _____

Who cares about this issue? _____

How many people are affected by this issue? _____

Can people be mobilized around this issue? Yes () No ()

Can this issue:

Increase the visibility of the Union? Yes () No ()

Improve representation of underrepresented groups in the union? Yes () No ()

Members already involved with this issue: _____

Members who would need to get involved: _____

How can Pressure be exerted on:

Decision-makers in Management _____

Outside decision-makers (government agencies, employer associations, public, etc.):

Remedy or Goal to be achieved:

** adapted from Teresa Conrow, "Contract Servicing from an Organizing Model," Labor Research Review #17, p. 48*

WHAT IS A GRIEVANCE?

Is it a grievance? How do you know?

It depends on what your contract says. A grievance may be defined as a contract violation or a violation of laws, policies, or past practices. Most collective bargaining agreements include a definition of a grievance, usually in the first paragraph of the grievance procedure. Every contract is different.

Can you grieve violations of a company policy or work rule?

Again, it depends on how your contract defines a grievance. Does it specifically include or exclude those kinds of disputes? Other sections of the contract may also affect whether you can grieve a policy violation.

Can you grieve violations of “past practice”?

In many cases, “past practices” (something that regularly, previously occurred) are considered to be part of a contract even if they are not written down. If the past practice meets all the necessary criteria of a violation of past practice, it can often be grieved. The right to grieve past practice violations may be affected by what your contract says.



Can you grieve violations of the law?

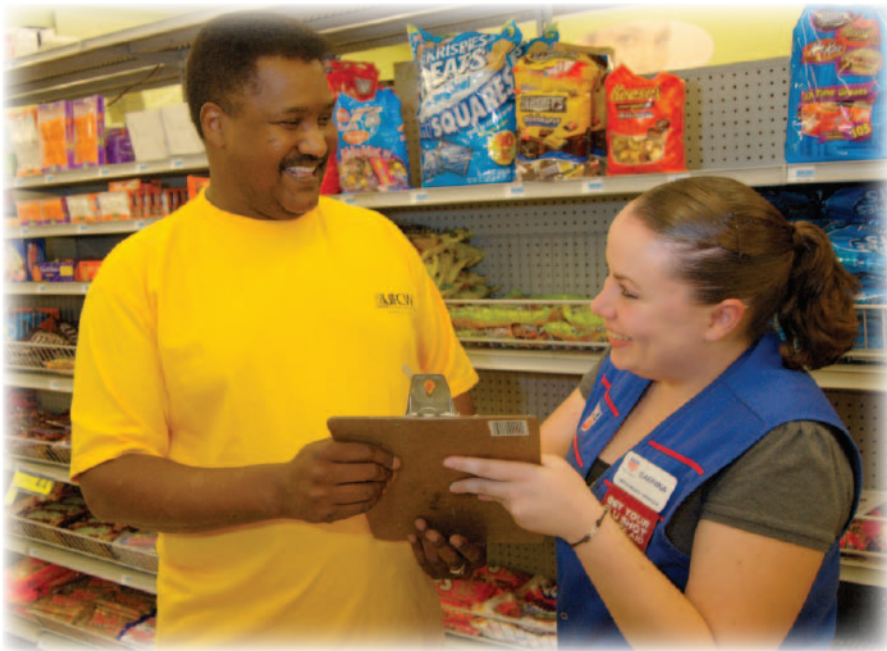
Usually, it depends on how the contract is written. There are several ways that legal violations can also be grievances. A contract with a broad definition of a grievance may include legal violations.

Some contracts also explicitly incorporate the law. Contract language that says management will “comply with all OSHA standards” or will “grant leave in conformity with the provisions of the Family and Medical Leave Act,” makes violations of these laws automatic violations of the contract.

Although they are not legally required to do so, some unions choose to provide guidance in other circumstances (workers’ compensation, disability or discrimination cases, for example). If you encounter a problem that looks like a possible legal violation, talk to your union representative to see what the union’s policy is on dealing with such cases.

What if it’s not a workplace problem?

There are some serious problems that aren’t work-related—and stewards may still be in a position to offer help and support. For example, when a worker’s performance is suffering because he’s worried all the time about being able to pay the mortgage, a referral to a debt counselor or other community services may be the most important thing that a steward does.



STEPS IN THE GRIEVANCE PROCEDURE

Most grievance procedures consist of a series of meetings or “steps” designed to give the union an opportunity to contest some decision or action taken by management (or for the company to defend its actions). Usually, the first step is a meeting between the grievant and the grievant’s immediate supervisor. In some contracts, the first step is “informal,” meaning that the grievance does not have to be in writing. The last step in the process is almost always arbitration.

Between the first step and arbitration, most contracts have one or more intermediate steps. Generally, each step moves the dispute through the levels of management. If the second step is a meeting with the department head, for example, the third step might be a meeting with the company’s administrator. Although the first step might not even be in writing, in almost all contracts, the grievance must be in writing after that.

Grievance Procedure Time Limits

Almost every contract outlines time limits to the grievance procedure. A steward must know the time limits and be especially careful to meet deadlines. Failure to meet contractual time limits usually means that a grievance can’t be advanced to the next step, even if the grievance involved a very blatant contract violation. Time limits in most contracts dictate:

- Deadlines for filing the original grievance
- Deadlines for management’s response to a grievance
- Deadlines for appealing a grievance from one step to the next.

If a grievance isn’t filed within the initial time limit, then the union has missed an opportunity to challenge management’s action. Generally, the time allowed for filing a grievance starts running out from the date when the contract violation first happened or from when a worker or the union first knew (or should have known) about the contract violation.

Most contracts also set time limits for management’s responses at each step of the process. For example, if the first step is an informal meeting between the grievant and their immediate supervisor, the contract might require a written response from the supervisor within ten days of the informal meeting. Once the union receives the written response, we typically have a few days to move the grievance to the next step. Or, if management fails to answer (indicating a denial of the grievance), we are still usually responsible for moving the grievance to the next step.

TYPES OF GRIEVANCES

It's important to know what kind of grievance you are dealing with. Most grievances can be classified into two main categories:

- ***Discipline grievances*** arise when management disciplines a worker (reprimanding, writing up, suspending, or firing someone) in a manner that the worker and union find to be unfair or unjust. In disciplinary cases, the burden of proof is on the employer to show that the worker who was disciplined was guilty of misconduct and that the discipline was appropriate to the misconduct. In disciplinary grievances, the issue usually is whether management had “just cause” to discipline the worker.
- ***Contract interpretation*** grievances can arise in relation to any section of the contract. Contract interpretation grievances may involve disputes over pay, benefits, transfers, layoffs, promotions, overtime, scheduling, health and safety, or any other clause of your contract. In contract interpretation cases, the burden of proof is on the union to show that a contract violation has occurred and that its interpretation of the contract makes more sense than the employer's.

INVESTIGATING WORKPLACE PROBLEMS

Investigating a problem or potential grievance almost always begins with interviewing the people involved to collect as many facts as possible and/or requesting necessary information from management. Structuring your research and interview questions around the “5 Ws” can help you get necessary information quickly.

THE “5 Ws”:

- WHO?** Identify the names of the worker or group of workers, the immediate supervisor, and any other persons involved in the complaint (witnesses, co-workers, etc.)
- WHAT?** What exactly happened? What actions (or inactions) gave rise to the problem? Be specific!
- WHERE?** If an incident was involved, determine the precise location, department, and job site of the incident.
- WHEN?** Determine the time and the date of the incident. If it's an ongoing problem, try to research when it started and when workers first learned of it.
- WHY?** Why is this incident a grievance? What section of the contract has been violated? Are past practice, management rules, or state or federal law being violated?

AND REMEMBER TO ALSO ASK YOURSELF THE ONE “H” & THE ONE “R”

HOW? How can I involve the grievant and other members in solving this problem? How can I educate members about the problem and mobilize them to help the union win the potential grievance?

REMEDY? What do the grievant and other members believe the remedy should be? What would the grievant consider a fair settlement?

The Importance of Taking Notes

Research shows that we only remember a fraction of what we hear. It is almost guaranteed that you will not remember all the facts correctly unless you write them down. You might want to keep a notebook and file just for grievances you're investigating.



Sample Grievance Investigation Fact Sheet

GRIEVANCE FACT SHEET

(This sheet is not intended to go to management. It is only for the union's investigation of grievances. It should be kept in the union's files.)

Grievant Name _____ Phone _____

Department _____ Job _____

WHO (worker) is involved? _____

WHO from management is involved? _____

WHAT happened? (If there was an incident, **WHERE**, **WHEN**, and **WHO** saw it?)

WHAT else is important to this case? (Grievant's record, other history of the problem, questions of "just cause", management's position, etc.?)

WHY is this a grievance? (contract violation, past practice, company rules, laws?)

WHAT do we want the company to do to make it right?

Steward _____ Date _____

WRITING GRIEVANCES: THREE EASY STEPS

The key to writing a grievance is to keep it simple. Almost every grievance contains just three key elements:

- What happened (what did management do or not do to cause the grievance)?
- Why is it a grievance?
- What does the union want management to do to solve the problem?

These three questions can almost always be answered using just three short sentences:

First Sentence: What happened?

What did management do (or fail to do) to cause the grievance, and when and/or where did they do it?

Example: On or about May 1, 2013, management unjustly reprimanded Ms. Jane Hardworker.

Second Sentence: Why is it a grievance?

What part of the contract (or law, policy, past practice, etc.) did management violate?

*Example: This violates Article IV, Section 9, and all other relevant Articles of the contract.**

Third Sentence: What do we want?

What remedy is the union seeking? What do you want management to do to fix the situation?

*Example: The Union demands that management immediately revoke the reprimand, remove all references to the discipline from Ms. Hardworker's record, and make her whole in every other way.**

DATE: May 2, 2013
FROM: A. Union Steward
TO: Manny Manager

On or about May 1, 2013 management unjustly reprimanded Ms. Jane Hardworker.

This violates Article IV, Section 9, and all other relevant Articles of the contract.

The Union demands that management immediately revoke the reprimand, remove all references to the discipline from Ms. Hardworker's record, and make her whole in every other way.

**These catchall phrases are important to write, as they will insure that all articles of the contract, and all possible remedies are included.*

PREPARING TO MEET WITH MANAGEMENT

Prepare your facts and arguments. Review all of the evidence you have collected and decide what your strongest arguments are in this case. It's better to have one or two strong, convincing arguments (and to keep repeating them) than to have five weak ones. Write down the arguments and facts you intend to present. Think about how you can argue for the remedy: why would it be in everyone's interest to settle this now?

Union Arguments

Supporting Facts

Anticipate management's position. You may have a good idea already (from your prior interviews) of what management's position is. How will you respond to their claims? What remedies might management offer and how will you respond?

Management Arguments

Union Responses

Prepare the grievant. Prepare the grievant for what will happen at the meeting, reviewing what you plan to say and what you anticipate management might say. Make it clear that you will do most of the talking and that you (or a union staff person/officer) need to remain in charge of the meeting. If you plan to have the grievant speak to some aspect of the case, rehearse this ahead of time. Remind the grievant not to volunteer extra information, and ask them to try to control their emotions during the meeting. Plan a nonverbal signal to use in case either of you decides you need to pause for a caucus during the meeting.

Know your remedy and settlement range. In many ways, a grievance meeting is a form of bargaining—and you should prepare just as you would for contract negotiations. Review remedy options with the grievant and consult union leadership about acceptable settlements that will not undermine the contract. Explain the potential remedy to the grievant and what a realistic outcome is. Have a “settlement range” in mind; make sure you know what would be a satisfactory bottom line for the grievant and the union, before you agree to anything.

TIPS FOR MEETING WITH MANAGEMENT

Act as an equal. A grievance meeting should be a meeting between two parties on equal footing. Ask yourself: “Would this supervisor treat another management person this way?” If not, then you should not expect to be mistreated when acting as a steward, and may have to do extra work to command respect and assert your rights to be treated as an equal when handling grievances.



Remember your goal. You are striving to settle the grievance at the lowest step. Start out by assuming you have a chance to convince everyone involved that it would be best to resolve the issue quickly. At early stages, try to avoid backing management into a corner or putting them on the defensive; leave them an “out” so that they have room to cooperate in negotiating a settlement with you.

Stick to the point and take charge of the meeting. If a supervisor wants to shift the discussion to unrelated issues, insist that you return to the grievance at hand. If management wants to stall with too much small talk or pauses for interruptions, firmly remind them why you are there and get the meeting back on track.

Maintain a united front. Avoid ever having an argument among union people in the presence of management. Call a recess if needed. Make sure management knows that union membership is united behind the grievance.

Take notes to record what management says.

Repeat your best arguments and facts. Don’t let management derail you or bait you into a defensive position on weaker aspects of your case. If you get off track, return to your best arguments. It’s okay and, in fact, usually effective to repeat yourself.

Disagree with dignity. Avoid getting excited, angry, or hostile. On rare occasions, when planned and strategically timed, showing such emotion might be useful to make a point. But usually, losing your cool means you have also lost control of the meeting.

Be ready to end or suspend the meeting. If unexpected information (from the grievant or the supervisor) surfaces during the meeting, you may need to call a caucus to talk with the grievant or collect your thoughts. If the information significantly changes the case, you may need to ask to postpone the meeting so you can better prepare. If you’re getting no response or only “no” as a response from management, use your judgment on when the meeting has become unproductive and end it by indicating you intend to move the case on to the next step of the process.

USEFUL QUESTIONS WHEN MANAGEMENT SAYS “NO”

Since it’s nearly always in the union’s best interest to reach a fair settlement early in the process, try to get as much information as possible about management’s position when they are refusing to settle a grievance. You may discover that they don’t fully understand the grievance, or you might identify new settlement options.

The following examples from *The Union Steward’s Complete Guide*, 2nd edition, provide suggestions for getting management to say more than “no” to your grievances:

- **Do you understand the problem we are trying to solve with our remedy?** How do you see that problem? Maybe the supervisor isn’t clear on the real issue. Getting them to state it may open the door to a resolution.
- **Can you explain how you arrived at that position?** If you understand management’s logic you may be able to more successfully counter their arguments. Or maybe a particular supervisor misunderstands or doesn’t know about a basic fact in the case.
- **What about our proposed remedy do you have a problem with?** Maybe the remedy’s fine with the supervisor but one small thing bothers them. You might be able to compromise, as long as your basic issue is dealt with.
- **Do you have other suggestions for how we can resolve this?** Who knows, maybe they have an approach that will be acceptable or at least a place from which to start.
- **What are you concerned would happen if you agreed to our proposed remedy?** The answer may surprise you: it may be something you can assure management is not in the cards. They may be overestimating the impact. Or they may misunderstand the true nature of the remedy you’re seeking.
- **This is very important to us.** Are you saying you have no flexibility at all? If a supervisor indicates flexibility, you’ll know you’ve got some room to operate. If they don’t, at least you’ll know you’ve hit the wall and can prepare for the next step.

Source: Union Steward’s Complete Guide, 2nd edition., ed. David Prosten, pp. 56-57.

GRIEVANCE HANDLING CHECKLIST

A MEMBER WITH A POTENTIAL GRIEVANCE

Talk to member as soon as possible.

- Let member tell the story.
- Listen attentively. Do not interrupt. Create a positive and sympathetic atmosphere.
- Take notes.
- When member finishes the story, ask questions.
- Get details, names of witnesses and types of documents the member believes will help with the grievance.
- Discuss what member wants. Explain the possible and realistic remedies. Inform members of strengths and weaknesses of the grievance.
- Recap your understanding about what the grievance is and the settlement sought.

File grievance

- Check the contract's filing time limit.
- Write grievance citing as many contract provisions as possible and describing facts as generally as possible.
- Within the contract's time limit, file the grievance.



Investigate the grievance

- Investigate with an open mind. Do not personalize issues or prejudge the grievance's merits. Maintain an objective attitude.
- Review relevant contract provisions and company policies or rules.
- Interview the member and the member's witnesses. Then, interview the company's witnesses. Take notes.
- In past practice cases, identify as many examples of the practice as possible. Obtain first-hand accounts.
- Request all relevant information and documents from company.

While processing the grievance

- Answer the member's calls and questions.
- Involve the member as much as possible in grievance meetings.
- Regularly inform the member of the status of the grievance, including what occurred at grievance meetings and of upcoming grievance steps. Do so as soon as possible.
- Coordinate with union representatives
- Continually update the member on what is happening with the grievance.



Steward's Role in Safety & Health

Safety and health problems are often noticed by and/or brought to the attention of union stewards. To address these, you can:

Educate

- Know the contract's safety and health language
- Post health and safety information on workplace bulletin boards and in union newsletters
- Research health and safety information on the internet and ask your union representative if they have consulted with the UFCW's Occupational Safety & Health Dept.
- Educate your co-workers about:
 - Resources for resolving safety and health problems, such as other stewards and the safety & health committee.
 - Their rights under the Occupational Safety and Health Act (the federal law covering workplace safety) and the union contract
 - The importance of reporting all injuries and illnesses
 - The importance of reporting early signs and symptoms of illnesses such as sore hands, wrists and shoulders
 - The location of Material Safety Data Sheets (MSDS) and other health and safety information
 - The negative effects of safety programs that blame workers when they get hurt and discourage reporting of injuries and illnesses
- Educate management, local union leaders, and staff about:
 - Safety and health hazards in the workplace
 - Ways to improve conditions and re-design jobs

Identify Hazards

- Conduct walk-arounds to identify hazards
- Survey co-workers
- Report hazards to management
- Monitor management's response to correcting hazards
- Request and analyze OSHA 300 Logs and other safety and health-related records
- Conduct union investigations of safety and health incidents

Take Action

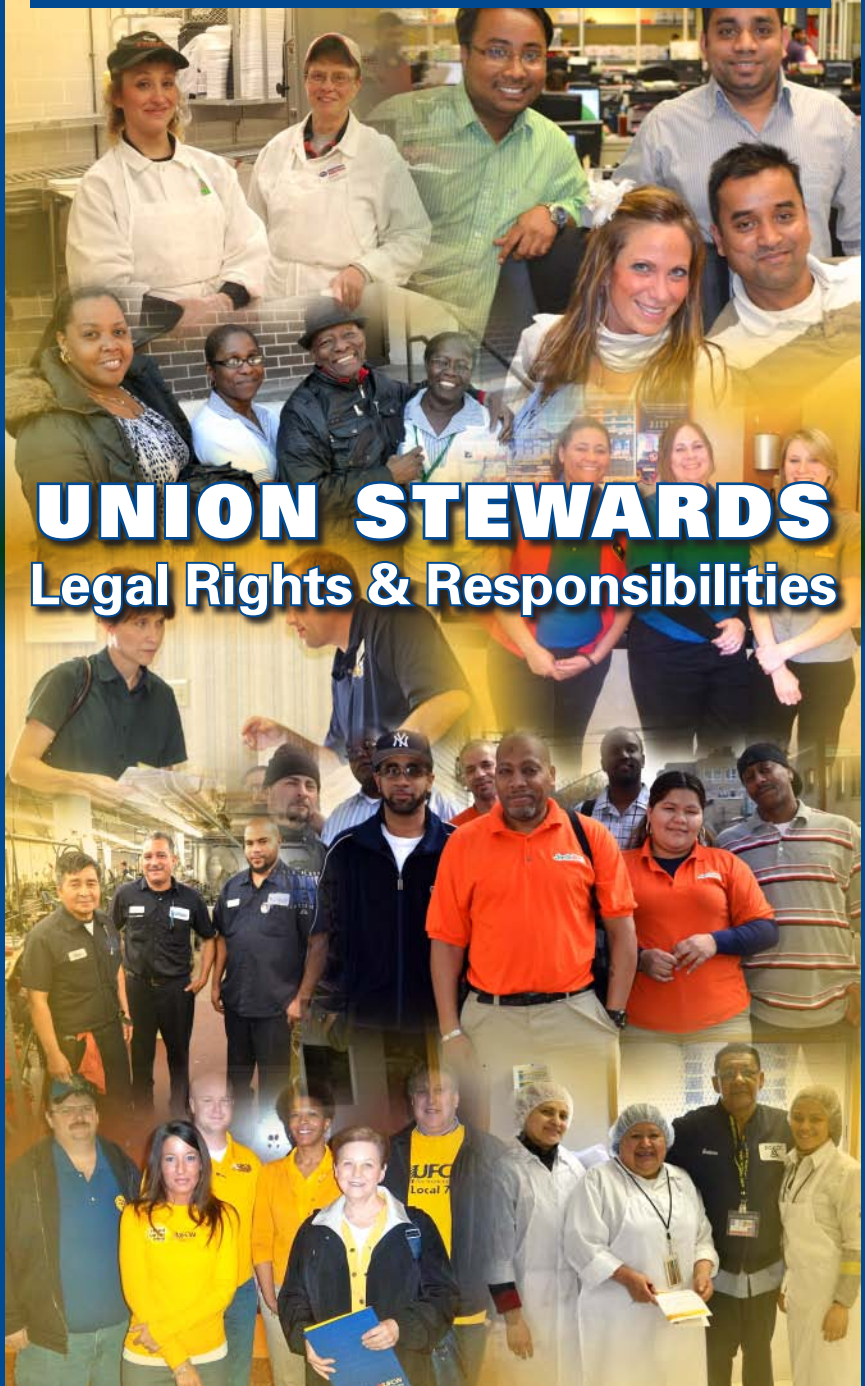
- Attend union meetings and educational seminars
- File OSHA complaints (in coordination with your local union)
- Accompany OSHA inspectors who visit the workplace
- Develop ideas for future health and safety contract language
- If requested, accompany co-workers to the nurse's office
- Help organize job actions around safety and health issues (i.e., wearing stickers, signing petitions)
- Communicate with and/or serve on joint labor-management safety and health committees
- Help organize and attend union-only safety and health committees



UFCW UNION STEWARD HANDBOOK #3

UNION STEWARDS

Legal Rights & Responsibilities



Our legal rights as union stewards are protected by our contract and by labor law (under the National Labor Relations Act—the NLRA). Rights under the contract are enforced through the grievance and arbitration process and rights under the NLRA are enforced through arbitration and the National Labor Relations Board (NLRB).

Legal Protections for Stewards

When you act in your capacity as a union steward, you step out of your role as a worker and become an official union representative. This gives you legal protections when dealing with management.

Equality rule

When you interact with management as a steward, you do so as an equal. This means you have the right to openly disagree, question, and argue with management when necessary without being disciplined. Labor law recognizes that a steward cannot effectively represent workers unless they are able to freely communicate with management as equals.

No retaliation or discrimination

Labor law and your contract prohibit management from disciplining or intimidating you because of your activity as stewards. For example, management cannot deny you promotions or other benefits, assign you extra work or undesirable jobs, or act in other ways that attempt to discourage you from doing your job as a steward.





Equal standard rule

It is also illegal and a violation of the contract for management to hold you to a higher standard than other workers or to harass you with extra supervision or stricter rules. As a steward, you should expect co-workers to look to you as an example—and you can protect yourself and the union’s reputation by doing your job well. But being a steward does not allow management to expect more from you or to discipline you.

Union stewards (and all workers!) have the legal and contractual right to:

- **Talk to co-workers about the union in the workplace.** However, management may be able to limit conversations that occur in the presence of customers, patients, etc.
- **Sign up new members.** Distribute and/or read union literature at work.
- **Initiate or participate in “concerted activities”**—which can include a very wide range of actions (some may not be appropriate at your worksite). Examples could include everything from wearing a union button, t-shirt or sticker, to circulating a union petition, talking to the employer about fixing a safety hazard, attending a rally, handing out union newsletters in the break room, etc. Almost any non-violent collective action of this sort is legally protected under labor law. Consult with your union representative for further clarification.

Stewards, specifically, have the legal right to:

- Enforce the contract.
- Represent workers in the grievance process, especially during disciplinary meetings with co-workers.
- Initiate, solicit, file and process grievances.
- Speak out freely in enforcing the contract
- Investigate grievances or potential grievances (interviewing witnesses, requesting information, etc.)
- Conduct other union business (helping members with referrals to government agencies, community services, etc.)

Legal rights to information

By law, the union has a broad right to receive relevant information from management at any stage of the grievance process, including investigations to determine whether a grievance exists. Management must provide you with this information upon request—this is considered part of management’s “duty to bargain.”

Examples of information you have the right to receive (as long as it is relevant to the particular workplace matter you are working on) include:

- Personnel files
- Attendance records
- Discipline records
- Job descriptions
- Performance reviews
- Payroll records
- Equipment specifications, injury logs, Material Safety Data Sheets, etc.
- Seniority lists
- Management correspondence
- Time study records
- Bargaining notes

To document your requests for information, always make your request in writing. Date and sign the request and keep a copy for the union’s files.

To: Hugh Head, Human Resources
From: Jane Union, Steward
Date: August 1, 2008
Re: Possible Overtime Grievance

To investigate a possible grievance in Dept. A, I request the following information:

- 1) Current seniority list for Dept. A.
- 2) List of overtime assignments made in the past three month in Dept. A.

Please provide this information by August 8.

Sincerely,
Jane Union



What if management refuses or stalls on providing information?

If management refuses or fails to provide information in a timely manner, the union may need to apply pressure through workplace actions, a grievance (if your contract also includes your rights to information) or an “unfair labor practice” (a complaint under the NLRA).

Management refusals of relevant information requests are violations of labor law and can be grounds for a labor board charge.

Your contract or “past practice” may include additional rights, such as:

1. Designated space to post union literature on workplace bulletin boards, and/or the right to take time to post notices on the bulletin board.
2. The right to circulate (walk around) and talk with members.
3. The right to meet with new hires during their orientation.
4. The right to unpaid or paid leave for union business including education for union duties.
5. The right to investigate and handle grievances on paid time.
6. The right to be notified if members have been disciplined.

WEINGARTEN RIGHTS

Workers called to an investigatory interview/meeting with management, which they reasonably believe may lead to discipline, are entitled to union representation. This rule was established by a Supreme Court decision, *NLRB v. Weingarten* in 1975 (thus the name “Weingarten rights”). It provides an important way for stewards to ensure that workers are not intimidated or coerced during closed-door sessions with management. **But, the worker must request union representation before or during the interview in order to exercise this right** (unless your union contract prohibits the employer from meeting with co-workers without union representation).



Stewards' rights in Weingarten meetings include:

- Asking management about the reason for the interview.
- Meeting privately with the worker for a few minutes before questioning begins. You can counsel the worker to stay calm, to keep answers short and to the point, and to avoid volunteering extra information. Remind them that “anything you say can be used against you.”
- Speaking during the interview.
- Objecting to intimidating or harassing questions.
- Asking for clarification of confusing questions.
- Warning a worker against losing their temper or making fatal admissions. A steward may also advise a worker against denying everything (giving the appearance of dishonesty) or informing on others.
- Providing information, at the end of questioning, to justify the worker's conduct.
- Serving as a witness, and taking careful notes.

What if management violates Weingarten rights?

Once a worker requests representation, management must either provide a steward or end the interview. **If management denies a request for representation and proceeds with the interview, a worker has the right to refuse to answer questions.** The best strategy for a worker in this situation is to stay put and repeat the request for a steward or remain quiet. Illegal refusal of a worker's Weingarten rights is grounds for an “unfair labor practice” charge under labor law.



Limits on Weingarten Rights

- The worker's regularly assigned steward will usually represent the grievant during an investigatory meeting. The worker may request a different steward, but the absence or unavailability of the requested steward is not a valid reason to postpone the investigation, if another steward is available.
- There is no legal right to representation in a meeting whose only purpose is to inform the worker of discipline management has already decided to impose.

Educating members about Weingarten rights

Unless a union contract prohibits the company from meeting with workers without a union representative present, it is up to workers to request union representation and to refuse to answer questions without union representation.

As a steward, the best way to ensure that management is respecting Weingarten rights is to educate your co-workers about their rights to representation.

Many unions have created wallet-sized cards that are distributed to members, with the following information:

WEINGARTEN RIGHTS

If called to an investigatory interview with management that could lead to discipline, read the following to management or present the card before the meeting starts:

If this discussion, meeting or telephone call could in any way be related to my being disciplined or terminated or affect any of my working conditions, I exercise my federal rights and hereby request that a steward of my choice be present. Without that steward's presence, I choose not to participate in this discussion or meeting. **Please do not request that I waive this right. I will not.**

Check Your Contract

Some contracts contain language that improves on Weingarten rights, and requires management to automatically inform and/or include a steward whenever a worker is called into an investigatory interview.

Duty of Fair Representation (DFR)

What is the Duty of Fair Representation (DFR)?

Once workers elect a union, the union becomes legally certified as the exclusive bargaining representative for all employees in the bargaining unit. Courts have ruled that this right to exclusive representation carries with it a duty to fairly represent all employees, members and non-members alike. This means the union is obligated to listen to and consider potential grievances raised by all workers in the bargaining unit, without discrimination or favoritism.

If a worker believes the union has failed to provide fair representation, they have the right to file a labor board charge against the union, often called a “DFR” claim or charge.

The duty of fair representation does not mean that stewards are required to be perfect or always be right—it just requires that we do our best to be thorough and fair. When asked to rule on duty of fair representation claims, labor boards and courts generally consider whether the union’s action was arbitrary, irrational, discriminatory, or showed bad faith.

Does this mean the union has to take every grievance all the way to arbitration?

No, but it does mean that decisions on whether to file grievances and how far to pursue them should be made based on the merits of each case.



General guidelines for stewards

- Fully investigate all possible grievances.
- Meet all grievance procedure time limits.
- Adopt a standard procedure for deciding whether to proceed with a grievance.

Keep the grievant informed; always make it clear that union decisions about the grievance are based on the merits of the case and the interests of the whole bargaining unit. Note that members have the right to appeal decisions with the local union's executive board and/or or grievance committee.

OTHER RIGHTS TO KNOW ABOUT

Stewards do not need to be experts on all aspects of law governing the workplace, but it is helpful to know enough to be able to detect when a violation might be occurring so that you can seek further information.

Stewards are often in a position to educate workers about their basic rights under these laws. Many of the workplace legal protections listed may also be covered (and are often exceeded) by language in the union contract. When this is the case, the grievance procedure is the most effective way to uphold workers' rights under these laws.

This is true for several reasons. First, once the contract and past practices set worker rights and protections, they remain the same until changed through the collective bargaining process. On the other hand, rights and protections that laws set can be – and frequently are -- watered down or changed by new, anti-worker government agencies, courts or legislatures. Second, disagreements over worker rights or protections can usually be settled anywhere from several weeks to 18 months through collective bargaining, while it may take many years to get a decision from a court or agency.

Nonetheless, there are many situations where stewards can and should use the law to argue why the company should settle workplace problems in a worker's favor or grant a worker's grievance. For this reason, stewards should be familiar with basic principles and rules of labor and employment laws.

IMPORTANT FEDERAL LAWS

Fair Labor Standards Act (FLSA)

Sets national minimum standards on minimum wage, child labor laws, and overtime pay.

Occupational Safety and Health Act (OSHA)

Establishes the general duty of employers to provide a safe and healthy workplace, along with specific health and safety standards for various jobs and industries. Also gives workers the right to view the employer's required OSHA injury logs, and protects employee rights to refuse dangerous work under certain conditions. Enforced by the federal Occupational Safety and Health Administration or by state OSHA plans (to learn if your state is covered by a state OSHA plan, see www.osha.gov)

Family and Medical Leave Act (FMLA)

Guarantees covered employees up to 12 weeks of unpaid leave per year for: 1) treatment or recovery from a serious health condition, 2) care for a spouse, child, or parent with a serious health condition, 3) caring for a newborn, adopted, or newly-placed foster child.



Age Discrimination in Employment Act (ADEA)

Forbids age discrimination, including mandatory retirement, against any employee or job applicant over age 40, with some exceptions.

Americans with Disabilities Act (ADA)

Prohibits discrimination against qualified persons with disabilities and requires employers to make “reasonable accommodations” to allow disabled job applicants and employees to perform work for which they are qualified.

Equal Pay Act

Requires equal pay for men and women for similar work in the same establishment.

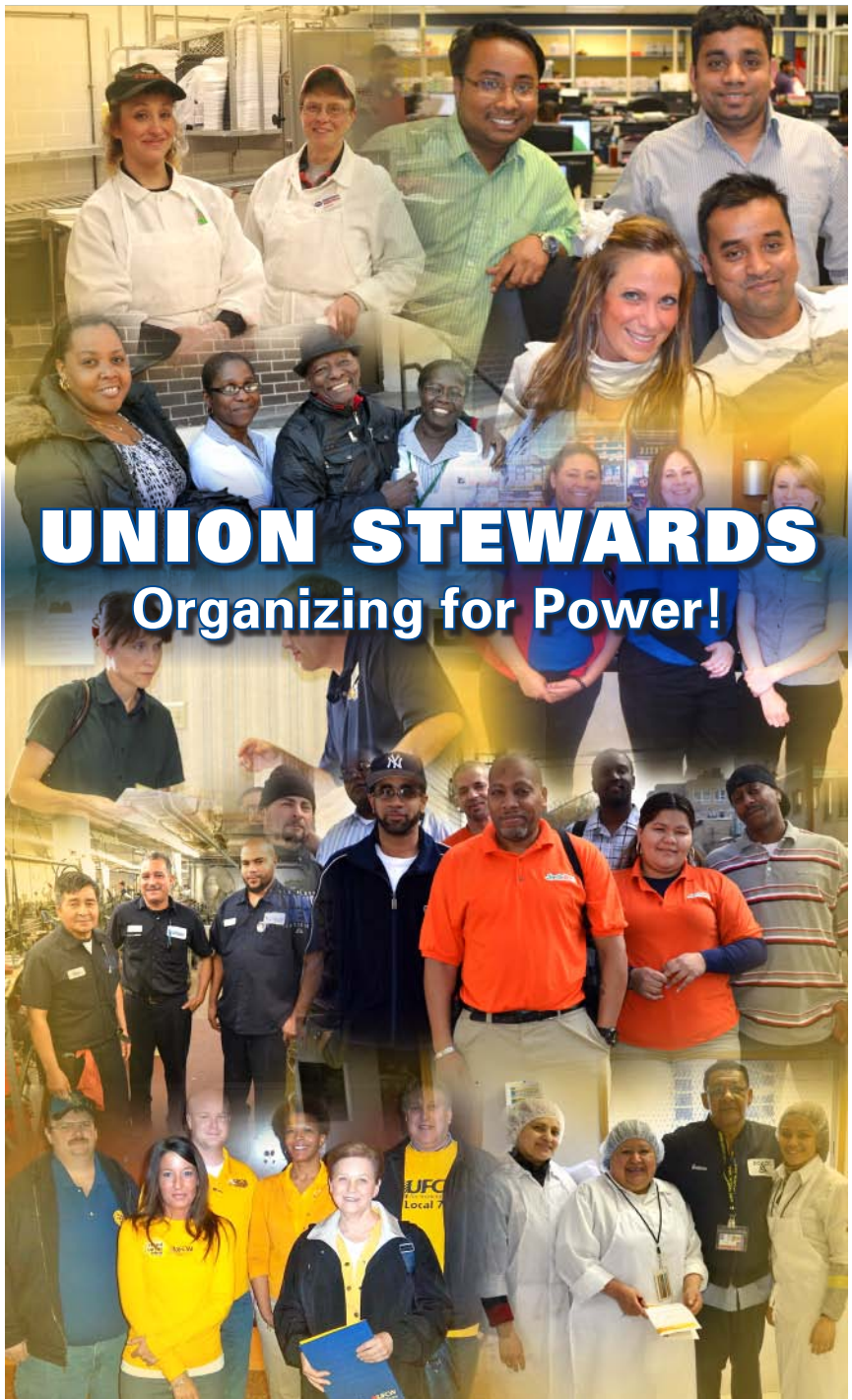
Title VII of the Civil Rights Act

Prohibits employment discrimination in hiring, promotion, or job assignments on the basis of race, color, sex, national origin, or religion.

State Minimum Wage Laws

Different states may have higher minimum wage levels than the federal standard.





UNION STEWARDS

Organizing for Power!

Union Power = Active Members

How can stewards build an active membership?

As a steward, it is your job to be a leader. If your co-workers are not participating in the union, try to figure out ways to get them involved!

Know your co-workers. The more you understand about them, the better you will be as a steward.

Develop a system for recruiting people to become more active in the union.

Whenever possible, encourage your co-workers to be involved in solving workplace problems. The very best time to involve people in the union is when something personally affects them. If a problem impacts a group of workers, consider organizing them to take part in a group action that might help bring about a victory (petitions, buttons, surveys, large group meetings with management). If the problem does not lend itself to collective action, consider recruiting the worker to participate in union activities or other efforts related to their concern.

The more you involve members, the easier it becomes. The same member who won't attend meetings might be willing to volunteer on organizing campaigns or do political door-knocking. Find out what interests people, and keep trying. If a member has one positive union experience, they are far more likely to remain involved.

Don't expect everyone to be involved right away. If only a few people participate the first time you ask, that's fine—now there is a core group to start with. Think about who is missing and why. Each time there is an action, make a plan to involve a few more!





Welcoming new employees

The more frequently new employees have positive discussions with union activists, the greater their commitment to the union.

One of the most important roles of union stewards is welcoming new employees into the union. It's important to avoid the tendency to lecture people; ask questions that draw out their experiences and share why you decided to become involved. Let the new employees know what a union is (including everyone's role in making it stronger, and an introduction to the contract) and how they can reach you in the future. Check back with them to see how they're doing and invite them to union meetings, actions and events.

What do you need to know about the workers you represent?

There are some obvious facts that are important to know:

- **Who are they?** Names, contact information
- **Where do they work?** Departments or work areas
- **When do they work?** Shift or work schedule
- **What do they do?** Job titles and classifications
- **Are they familiar with unions?** Positive/negative experiences
- **How long have they worked here?** Seniority
- **What languages do they speak?** Language they're most comfortable with

You might also want to know:

- **What are the problems they'd like to see addressed at work?** For a single parent, scheduling might be a top priority. For a worker near retirement, the priority might be reasonable workloads. For a young worker, pay might be the top concern. Knowing what your co-workers care about helps you connect them with our union in meaningful ways.
- **What is their current opinion of the union?** If you are prioritizing your efforts, it's worth knowing how workers feel about the union. Focus on the people who seem to be undecided.
- **Which group of co-workers do they socialize with?** People often make decisions in groups, not just individually. If someone eats lunch each day with a group of co-workers who are very critical of the union, it may be difficult to get them involved. If they spend time with people who are positive about the union but haven't yet gotten involved themselves, talking to them should be a priority.
- **What community organizations are they involved with outside of work?** If someone is active at their place of worship, neighborhood association or other community group, they may be willing to let others know about the union's campaigns and activities.
- **What else can you learn about your co-workers?** It's important for stewards to understand the ways that people's ability, age, ethnicity, gender, language, race, religion and sexual orientation impact their work and life experiences. Are workers from various groups participating equally in the union? Stewards can serve as a bridge between people, protect against any employer divide-and-conquer tactics, and help to build solidarity.



Keeping track of what you learn

Once you’ve gathered information about your co-workers, how can you keep track of it? Many organizers use charts to keep track of what they’ve learned. Here’s an example:

Talking with Members		Steward:
		Job/Shift:
Name	Contact	Comments / Questions / Concerns
A. Sample	221-1212 (cell)	She’s bilingual (Spanish & English). Loved the Tuesday actions. Interested in helping with organizing campaigns. Said she’d come to the June meeting.
B. Ernesto Sánchez	331-1313 (cell)	Had a bad experience with a union at a previous job. Upset that safety problems don’t get fixed. He may come with Bob to June meeting.

Advantages of one-to-one communication:

- Most people who stewards ask to become active in the union do so.
- Talking one-to-one provides an opportunity to get feedback, answer questions, and hear what’s on people’s minds.
- Building co-worker relationships strengthens the union, grows solidarity and our collective power!

Sample conversation:

■ **Introduction**

Get the person's attention, show the urgency of the discussion.

■ **Ask Open-Ended Questions and Listen – Find out what the person cares about**

People get involved because the union is linked to things they care about—find out what the person wants to change and why.

■ **Share Your Story & Educate - Connect with the person's concerns**

Share your own story—why did you decide to get involved with the union? Try to show (through your story) why having more people involved matters.

Be sure to give specific examples of recent victories or current goals that relate to the person's issues and interests.

■ **Move the Person to Action**

Explain why the person's involvement matters and ask them to participate in specific ways. People are more likely to agree to taking on a particular task than to generally “become more involved.”

If the answer is no, find out why, and return to the issues mentioned earlier.

Be prepared to follow up with another action (upcoming meetings, joining committees) this person can take, to become an active member.

■ **Ask Active Members to Help Recruit Others!**

If a co-worker is already involved with the union, ask them to take the next step and help you to recruit others.



How Members View the Union:

Remembering that We Are “The Union”

When members talk about the union do they say “we”? For example, if management starts a new policy a member doesn’t like, does they say “what are we going to do about it?” or, “what is the union going to do about it?”

If members think of the union as “we,” then they view themselves as part of an organization as in diagram # 1. If not, they see “the union” as separate, as in diagram #2.

By having one-to-one conversations with co-workers, stewards can help make #1 a reality. This will improve our ability to solve worksite problems, win strong contract language and achieve social justice in our communities.

DIAGRAM # 1	DIAGRAM # 2
Union = Members/ Stewards	Union
	Stewards Members
■ Members see that winning better conditions depends on them.	■ Members expect services for their dues.
■ When there is a problem, they ask what “we” are going to do about it.	■ When there is a problem members ask what is the “union” going to do about it.
■ Members see the stewards, staff and officers as leaders, not as people who will fix their problems.	■ Members think the steward’s, staff and officer’s job is to fix things for them.
■ Stewards, staff and officers discuss problems (and options for addressing them) with members.	



United Food & Commercial Workers Union

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This booklet is adapted (with much appreciation) from the University of Iowa Labor Center's 2010 Steward Manual.