

Job Steward Reference Manual



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NEW TO A UNION?

Get to know your union - MoveUPTogether.ca

WHAT IS A JOB STEWARD?

The position of a job steward is the most important position with your union. The work is challenging and rewarding. As a job steward, you are the first point of contact most members have with their union. You stand with and speak for your fellow members in your workplace's day-to-day relations between the union and management. You help to mobilize for collective action in the worksite and the community on issues that matter to working people.

MoveUP wants to make sure you have all the tools at your fingertips to use the role of job steward to make a difference in your workplace and community. Specifically, MoveUP has found how important it is for stewards to be given the tools and training necessary to confidently file grievances and present the grievances at stages one and two.

Become familiar with your:

1. The Collective Agreement
2. The Employer's Policies and Workplace Rules
3. Important Labour Laws
4. Working Conditions
5. Employer Representative
6. The Membership
7. Your Union
8. Yourself

You need:

1. The Collective Agreement
2. Employer's Rules and Regulations
3. A List of all Departmental Members
4. Grievance Forms
5. Fact Sheets
6. The Provincial or Federal Health & Safety Act
7. Union Constitution and Bylaws
8. Member Orientation Handbook
9. Pencil and Paper

Be businesslike and lead by example, ensure you as a job steward follow the collective agreement. Be visible get to know the members of your department. Suppose they feel that you are friendly, approachable, respectful, professional, and available. In that case, they will let you know when they have issues with their manager, fellow employees or even their union.

Know your union! MoveUPTogether.ca The more support a union has in the workplace, the more power behind your bargaining committee, making it more possible to negotiate a better agreement. You have got to know your union - what it's all about, what it's doing, and why. You become informed by taking the time to read the MoveUP website, follow the union on social media, read the Local Voice magazine, and attend union meetings. Finally, keep in touch with your local union officers.

Internal organizing is key to ensuring we have strong union rights in our workplaces in the present and future. Over time, if we do not remain connected and united with our colleagues, solidarity can diminish. If that happens, it can be harder to mobilize and accomplish what we set our minds to when it comes time to achieve more gains at the bargaining table. If there are cracks in our base, the employer will have an advantage and purposely divide the workplace further.

Remaining organized means that we are always connecting with each other. When new members join our bargaining unit, we are trying to inoculate them with new member orientations, including signing them up for union bulletins, ensuring they receive the invitations for social events and know where to find more information about the union. We consistently keep our co-workers engaged, and when we have membership meetings, all our colleagues plan to attend together. We are talking about our workplaces issues all the time and we are inviting in differing perspectives, even if they are not the opinions that we hold. Things may not always go the way we want during bargaining or at the workplace, but we will always have collective power if we are united and working together!

Know yourself - your strengths and limitations. No one expects you to learn all this information today or even tomorrow. A basic understanding of the issues at hand and growing expertise as you perform your jobs is what is required.

WHEN IN DOUBT, REACH OUT to another job steward or your union representative!

THE COLLECTIVE AGREEMENT

Always keep your collective agreement nearby!

Having a general knowledge of the agreement is necessary, but when answering a question about the agreement, you must look at all the relevant clauses from the first to the last word. Make sure you take the agreement when a member contacts you with an issue. During this meeting, you can go through the articles with the member, and they, in turn, will get a better understanding of not only the collective agreement but also if their issue is a complaint or grievance.

When you are approached with a request, complaint, or grievance, get the information down immediately. Always put in the date and time. Don't rely on your memory or the member's memory for details.

MoveUPTogether.ca/resources/

GRIEVANCE OR COMPLAINT? HOW TO TELL THE DIFFERENCE

A grievance is a violation of the employee's rights on the job – whether under the collective agreement or under legislation. Not all complaints are grievances. They need to violate either the contract or the law.

Grievances can be violations of:

1. The contract
2. The law
3. Past practice
4. Employees' rights

DEFINITION OF GRIEVANCE

"Grievance" means any difference, disagreement or dispute between the parties concerning the interpretation, application, operation, or any alleged violation of any provision of this agreement, including any questions as to whether or not any matter is arbitrable.

RIGHT TO GRIEVE

Any employee shall have the right to initiate and process a grievance under this agreement, subject to the union's consent. Your union shall have the right to initiate and process a policy grievance under this agreement on behalf of itself, an individual grievance on behalf of any employee, or a group grievance.

The employer shall have the right to initiate and process a grievance under this agreement regarding the union's actions.

COMPLAINT

Whether the complaint is a legitimate grievance, the employee is concerned enough to come to you with a problem. This concern demands action on your part to clarify or correct the situation. You would have a complaint rather than a grievance if you answered "no" to whether the problem violated the collective agreement, past practice, law, or employee rights. Complaints must be dealt with. If an employee alleges there has been a violation of the collective agreement, explain why it is not. A worker may think they have a grievance because they don't understand the collective agreement; therefore, bringing your collective agreement to meetings is very important. Both you and the member can go through the language; again, this will help the member understand their collective agreement's language.

GRIEVANCE PROCESS

The grievance procedure gives the parties multiple attempts to resolve an issue or grievance. **At each stage, careful record keeping is a must.** All grievances must be submitted in writing at the appropriate stage by setting out the nature of the grievance and the circumstances from which it arose and stating the provision(s) of the agreement at issue or alleged to have been violated, stating the redress or other action required to resolve the matter, transmitting the grievance to the other party.

The filing of grievances is coordinated through your union office.

Get the appropriate grievance form template from the MoveUP website here:

MoveUPTogether.ca/job-steward-information

TOOLS REQUIRED

- Union fact sheet
- MoveUP grievance form template
- Grievor's statement
- Grievance hearing outline
- Grievance hearing notes
- Witness statements (if necessary)
- Collective agreement
- Grievance file number

GRIEVANCE PROCEDURE TIMELINES

It is very important to review timeline within your collective agreement each grievance may have a different timeline!

TIME OFF WORK

Employees required by either the employer or the union to attend or participate in any investigation, discussion, meeting, or hearing arising pursuant to this article with respect to any grievance shall be granted reasonable time off work by the employer. This time shall be deemed to be time worked. The employer shall not unreasonably deny such time off work, and the employer shall only be required to pay the employee's straight-time wages up to a maximum of 7 1/2 hours per day. Where the union requires the employee's presence and travel are involved, the cost for transportation and expenses, including board and lodging, shall be borne by the union.

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

INDIVIDUAL, GROUP OR POLICY GRIEVANCE?

Individual grievances affect a single member. Group grievances affect a group of members. These grievances are processed at stage 1 and stage 2 by the stewards.

Policy grievances are grievance that affects the union and its membership. Contact the appropriate union representative if you think you have a policy grievance. Forward all the information the union representative will need to file the policy grievance. Policy grievances require approval by one of MoveUP's senior union representatives.

Fill in the appropriate sections of the template and send a copy of the completed template and all other required information, such as the grievor's statement, union fact sheet and witness statements, to the union office via email: grievance@moveuptogether.ca.

Important: complete all sections of the grievance template.

The grievance will be assigned a six-digit file number (e.g. 14-0034) to the grievance form. You will need to reference this number when sending documents to your administrative support person.

INVESTIGATING THE GRIEVANCE

A member approaches you with a problem. Almost all collective agreements negotiated by MoveUP contain a clause that allows you, the job steward, to investigate complaints and grievances on company time without loss of pay. Check your agreement under the "Union Recognition" clause to determine if you can investigate on company time. If your investigation time is covered under that clause, get authorization from the employer to leave the workstation and find a quiet place to meet with the member.

- When a worker comes to you with a complaint, the first thing is to get the facts. Only then can you decide whether it's a grievance.
- The first place to look for facts is from the worker. Listen to the worker's story patiently, then ask specific questions. Don't be satisfied with glib statements like, "the employer representative is picking on me" or "they're giving us too much work."
- Sometimes workers take it for granted that you understand their jobs and forget to give you vital facts. Sometimes they skip the part of the story that might weaken their case. If

you are to resolve the issue, you must ask questions that give you all the necessary information.

- Most workers assume that stewards know more about what is going on at work than they probably do. This assumption is because they regard the steward as a leader and someone who takes an interest in what is happening at work. They also assume that stewards know their work routines and how their machinery runs - if they run machines. Stewards should make it a point to find out the work routines, what machines there are, and how they operate. This knowledge will assist greatly in any grievance hearing.

Once you have heard what the worker says, you've got some of the facts. But you must check further.

Make sure to use your union **Fact Sheets**. Keep the fact sheet and information in a secure place as this information is **confidential** and is for the union's use only.

- Advise the grievor to use actual quotes in relating things they have heard or were told. The exact words may be important. Have the grievor sign and date the statement. It will help refresh their memory before the hearing.
- Collect statements from all available witnesses. If you can, get statements in the employee's handwriting, which are signed and dated. If not, write out the statement yourself and have the witness sign.
- Interview not only those witnesses who support the grievor but also those who don't. You will need to do this to find out what happened. You also need to know what you are up against. It will also be helpful in the event a witness should change their story.
- The information obtained in these statements can be used to test the grievor's version against the version of others and is also useful in attempts to settle a grievance with management. The statements can later be used to advantage at an arbitration hearing to refresh a witness' memory if they testify for the grievor or undermine a witness' testimony if they testify against the grievor and change or embellishes earlier statements.
- Check other stewards' and the union grievance file also. This type of grievance may have already been settled in another department. If the grievance involves seniority, check the seniority list. Review the contract; what does it say?
- A grievance is like a detective story - you must sift through all the evidence before you know who did what. It is very important to treat every investigation and every grievance as if it were going to arbitration. If it ever does, you'll be prepared!
- Once you have completed your investigation, you should make a written record to ensure that key points are not forgotten or distorted when passed from one person to another.

- Remember that several months may elapse between the events giving rise to a grievance and its final settlement at arbitration. Several people will also be involved in assisting the grievor's presentation of his/her case, each with a slightly different point of view. Therefore, it is only by committing the basic facts to writing at an early stage that you can guarantee that all the necessary information will be properly presented at the final arbitration stage.
- Even if the matter is not taken to arbitration, a statement of the facts may be useful when preparing demands for subsequent negotiations. The written record may enable you to justify a new clause in a collective agreement to resolve a problem that could not be adequately handled through a grievance procedure at the time it first arose.

One test to ensure that you have done a thorough investigation is to check your six "**W's**". These are the facts that should be included in your written records.

1. **WHO** is involved in the grievance? Name(s), department, seniority date, job classification and rate, and shift. Don't forget the grievor's personnel file and the employer representative or management representative who made this a grievance.
2. **WHAT** happened? What is the grievance about? What happened that caused the violation? What is involved?
3. **WHEN** did the grievance occur? On what day and at what time did the act or omission take place which created the grievance?
4. **WHERE** did the grievance occur? Exact location - department, machine, aisle, building, etc.
5. **WHY** is this a grievance? What has been violated - collective agreement, past practice, law, rights, rulings, or awards, etc.?
6. **WANT** grievance settled and redress in full. What adjustments are necessary to completely correct the situation?

ADDITIONAL INFORMATION - WITNESSES

Documentary evidence: seniority list, wage schedule, work tickets, a record of similar grievance, union files, experienced stewards, or officers of a local union representative.

Attach any written details from the member and any documentation provided by the employer. Include a statement from the member with the date, full name of the member and their signature. Be as detailed as possible.

If you identify a violation of the agreement, first try resolving the issue informally with the employer; file a grievance if you cannot resolve the issue informally. You may need to contact the assigned union representative or a senior steward for advice.

Also, if the issue is resolved during this preliminary stage, inform the union representative.

When filing the grievance, check the collective agreement to remind yourself of the appropriate steps and time limits. When dealing with termination or severe discipline cases, always file a grievance.

THE STAGES OF A GRIEVANCE

Consult the collective agreement to review the stages of the grievance procedure.

Take notes at every stage of a grievance

You, the member, or both of you must take notes at the meeting. The meeting notes and the union fact sheet form part of the investigation. Copy the notes to the union office via your administrative support person with the case number in the subject line of your email.

Stage 1: This is the initial stage where you find out what pertinent information the employer has. Or where you as the Job Steward provide information to the employer showing where within the provision of the collective agreement were violated. The purpose of the meeting is to find a resolution to the complaint/grievance while protecting the member's rights under the collective agreement. It's important to collect as much information as possible to understand and record in your notes what the employer's case will be.

When resolving grievances, it's important that you contact your union representative to discuss the settlement and receive approval on the resolution.

Only a union representative approves withdrawals or settles a grievance.

* If the answer to Stage 1 of the grievance is not acceptable to one or both parties, the union representative, will send a letter to the employer referring the grievance to Stage 2 of the grievance procedure. You then schedule a Stage 2 grievance meeting and usually bring the grievor along.

Stage 2: The purpose of the Stage 2 meeting is to continue to find a resolution to the grievance while protecting the member's rights under the collective agreement. It's important to collect as much information as possible to understand and record in your notes what the employer's case will be. The notes of the meeting form part of the case file and must be copied to the union office to your administrative support person.

When resolving grievances, it's important that you contact your union representative to discuss the settlement and receive approval on the resolution.

The employer sends the written reply at Stage 2 by email to the union office using the bargaining unit email address you've supplied to them. Your administrative support person will copy the stewards and other appropriate people on the reply.

* If the answer to Stage 2 of the grievance is not acceptable to one or both parties, the union representative, will send a letter to the employer referring the grievance to Stage 3 of the grievance procedure. You then schedule a Stage 3 grievance meeting and usually bring the grievor along.

Stage 3: Grievances are handled by the union representative assigned to that area. The union representative will write a letter to refer the grievance to the final stage of the grievance procedure and convene the final stage meeting. The collective agreement defines who is involved in the meetings. The union representative will consult with you to evaluate whether the grievor should or should not be in the meeting, depending on the circumstances.

A merit assessment will be done on the grievance to determine whether to recommend proceeding or not proceeding or settling the grievance to your union's internal Arbitration Review committee (ARC).

If unsatisfied with the ARC's assessment, a grievor may appeal the decision. Instructions on how to appeal are provided to the grievor as part of the review process.

The grievance, and all associated material, belong to the union. Privacy laws protect all information recorded by stewards and union representatives. Release of this information is only by application to and approval of the privacy officer at MoveUP.

Signing authority to withdraw, settle or advance a grievance lies with the union, and the president designates this authority to union representatives. Stewards don't have this authority but are kept advised and are part of the decision-making process. Your union representative may ask the steward to withdraw the grievance in some cases.

As a job steward, you are integral to ensuring that hard-fought collective agreement rights are upheld during the life of the agreement. Your role is also key to identifying language that needs strengthening in the next round of negotiations and identifying areas where new language would solve problems that existing language has not addressed.

KEY LEGAL PIECES STEWARD NEEDS TO KNOW

WHAT IS THE DUTY OF FAIR REPRESENTATION?

In most jurisdictions in Canada, unions are obligated by labour law to provide what is known as the “duty of fair representation” which requires unions not to act toward a union member in a way that is:

1. **Arbitrary:** without reason or rationale.
2. **Discriminatory:** unequal or discriminatory treatment of a group or individual resulting in a distinction, preference, restriction, or exclusion that is based on improper grounds such as race, creed, religion, sex, ethnic or national origin, marital status, disability etc.
3. **Bad Faith:** dishonestly, with ill will, or with improper or ulterior motive.

WHAT IS THE WORK NOW, GRIEVE LATER RULE?

A legal requirement contained in the federal Labour Code and provincial Labour Code is that during the term of the collective agreement, the union and the employer must resolve their differences without stopping work. Although this may seem unfair to employees because the fastest way to settling the grievance is to “shut the job down”, in the long term both the employer and the workers will benefit from the elimination of repeated disruptions of work. The basic rule, therefore, becomes: Work Now, Grieve Later.

The basic Work Now, Grieve Later rule means that the employee should follow orders from their employer even though they believe that such orders violate the collective agreement, and then take their argument through the grievance procedure, and if necessary, to arbitration.

There are two exceptions to the Work Now, Grieve Later Rule. These have to do with situations where continuing work could have serious consequences for the worker that cannot be overcome later. These two exceptions are:

1. **An Illegal Order** – the employer cannot require any employee to commit an illegal act.
2. **Safety & Health** – the employer cannot require an employee to obey an order which puts him or her in danger of themselves or others.

WHAT IS INSUBORDINATION?

Hand and hand with the “Work Now, Grieve Later” rule is insubordination. Insubordination is the most common disciplinary action found in labour arbitration and is considered one of the most serious offences.

Insubordination is the intentional refusal of a worker to follow the instructions of their employer.

WHAT IS PROGRESSIVE DISCIPLINE?

Arbitrators view discipline's typical role as one of correction and rehabilitation rather than being retributive. The normal progression of discipline is to have verbal warnings, written warnings, and suspension(s) before discharge can be initiated. Aside from progressive discipline measures, arbitrators have allowed depriving workers of seniority, loss of fringe benefits, and demotion as disciplinary measures.

Many collective agreements set out the stages and actions for progressive discipline that the employer can take. Most collective agreements also require that the employer must have “just cause” when meting out discipline. All acts of discipline can be grieved, and if the union wishes to pursue the case, it can go to arbitration.

WHAT IS A MANAGEMENT'S RIGHTS CLAUSE IN THE COLLECTIVE AGREEMENT?

Management rights clauses appear in almost every collective agreement and establish the right of the employer to control and direct the workplace. Unions often try to negotiate boundaries around management rights to protect the workers from arbitrary actions by the employer.

WHAT IS DUTY TO ACCOMMODATE?

Employers and service providers have an obligation to adjust rules, policies or practices to enable you to participate fully. It applies to needs that are related to the grounds of discrimination. This is called the duty to accommodate.

The duty to accommodate means that sometimes it is necessary to treat someone differently to prevent or reduce discrimination. For example, asking all job applicants to pass a written test may not be fair to a person with a visual disability. In such cases, the duty to accommodate may require alternative arrangements to ensure that a person or group can fully participate.

NOTE TAKING TIPS

1. **Call attention to important words.** Use underlining, bold, CAPITAL LETTERS, circles, boxes, *, !!!, etc.
2. **Develop your own form of shorthand.** Make sure you can read it later. Check it and fill in blanks right away. Be consistent, use the same shorthand all the time. Use the first few letters in a word, for example: "rep" for representatives. Vowels can usually be left out, and you can still read the message.
 - "If u cn rd ths, u cn gt a gd jb." Omit extra words like "a" "an" "the." They don't provide meaning, and you can add them later.
3. **Leave white space.** This is a simple technique that will help you group information. For example, every time a new person speaks, leave a space, or start a new line.
 - J: I didn't see anything happen.
 - P: I arrived just after the altercation took place. You can use the white space to fill in details later.
4. **Use dashes (---) for missed words.** This is useful if someone is speaking very fast and you don't want to interrupt their story. Using dashes allows you to keep taking notes up until you can ask them to slow down or repeat information.
5. **Record key statements exactly as they are stated.** Use quotation marks for exact quotes only:
 - "We are suspending Andre for three days for cashing third party cheques."
6. **Don't erase a mistake,** and don't black it or white it out completely. Draw a single line through a mistake. This saves time and you may need the information later. As well, if someone reads your notes, they can't accuse you of altering information.
7. **A picture is worth a thousand words.** Draw a diagram if it will make the information clearer.
8. **Use common abbreviations and symbols.** Don't waste time adding periods after abbreviations.

Useful Abbreviations

approx.	approximately	LWP	leave without pay
arbtn	arbitration	LOA	leave of absence
assump	assumption	LO	lay off
B/C	because	LT	lost time
b4	before	LW	light work
C/O	complain of	medtn	mediation
CBA	collective bargaining agreement	mgmt.	management
cmtc	committee	mgr.	manager
commun	communication	mtg	meeting
comp	compensation	neg	negotiation
con res	conflict resolution	nite	night
concl	conciliation	p	page
conf	conference	pp	pages
diff	different	Q & A	question and answer
disc	discrimination	re	about, regarding, concerning
disp mtg	disciplinary meeting	recon	reconciliation
diss	discussion	rep	representative
EE	employee	resp	responsibility
e.g., ex	for example,	RMI	repetitive movement injury
EI	employment insurance	ROM	range of motion
ER	employer	RTLW	return to light work
esp	especially	s/b	should be
eval	evaluation	sec	section
FTE	full-time equivalent	sft	shift
govt	government	super	employer representative
grp	group	susp	suspension
grv prd	grievance procedure	TP	temporary promotion
HR	human resources	thru	through
i.e.,	that is	vs	versus, as opposed to
insub	insubordination	w/	with
I-O	instead of	w/o	without
IW	injured worker	WCB	Workers' Compensation Board
JLM	joint labour management	wkpl	workplace
LDW	last day worked	wkr	worker

Useful Symbols

& +	and	?	question, unclear, need more info
@	at	↑	rising, increasing
* !	most importantly	↓	falling, decreasing
=	equal, same as, similar to	"	ditto, same as what's written
≠	not equal to, not same as	X	number of times, for example, 3X
→	forward, leads to, causes	()	placed around examples
←	back	"...."	direct quotes
≈	approximately, about	#	number
>	greater than, more than	\$	money, wages
<	less than	%	percent