

Turning Negatives into Positives



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A lot of employers these days are promoting “inspirational” slogans on teamwork and productivity, slogans that usually come down to “Work Harder, Work Cheaper, Be More Obedient.” But one promising slogan that is making the rounds is worth applying to steward activities: Take a Negative and Make It a Positive.

Here’s one real-life way to do it.

A group of stewards was commiserating with each other over the lack of support they got from the members. At issue was the deduction of union dues from a lump sum that their national union had negotiated in place of a wage increase as part of a new contract. The contract was ratified — by a large margin — by many of the same members who were now loudly complaining about the dues deduction.

The stewards were bewildered by the inability of their “inactive” members — those who pay union dues as required by the union contract but who otherwise pay no attention to the activities or importance of their union — to comprehend one apparently simple fact: the lump sum, like all of the other improvements and protections negotiated in the contract, was negotiated by them, by *their* union, which must have financial support if it’s going to succeed.

Sound familiar? Of course it does.

Questions over dues deductions reflect both a fundamental lack of understanding of the union, and an even more serious inability to understand one of Life’s Big Questions: what comes from where, and why?

Stewards who are besieged by unhappy members have to create an action plan, using these complaints to strengthen the union.

Keep in mind that while the case we’re talking about here involved a dues deduction, the action plan can be applied

to any number of situations in which members have a beef about the union’s work.

■ Improve Communications

In many ways, the confusion about the dues deduction reflected an information vacuum in the workplace, an empty space that is always quickly filled up by gossip, rumors and employer propaganda. To counteract this, once a new contract is signed stewards should prepare a “talk sheet” — a list of points about the new contract. Each steward could use these points when approached by a co-worker, in this case a disgruntled dues-payer. Having a consistent approach will help stifle rumors and management propaganda while the preparation of the sheets by a group of stewards will allow each of them to contribute unique responses to be shared by the group. The talk sheet could summarize all the improvements won in negotiations, stressing the importance of membership involvement during bargaining. The sheet could point out that if an hourly raise had been gained instead of the lump sum, the dues would have been deducted throughout the year anyway, so the deduction from the lump sum is nothing unique.

■ Informal Education

It became obvious that most of the union’s dues-payers had no idea of how the union functioned as a whole. Stewards should consider conducting regular member educational sessions to cover various points about the contract and about the structure of the union.

■ New Patterns of Union Meetings

Demographic shifts in the workforce, and expansion of union jurisdictions, frequently make it a challenge for even the most loyal and dedicated members to

make it to regular union meetings. It might help boost participation by having meetings in the workplace, where appropriate — before work, during lunch or right after work. Another possibility, for reaching members who don’t come to meetings, is to send out e-mail messages to members on a regular basis.

■ Union appreciation

Many members covered by the union contract have forgotten just how cold the outside world really is. An excellent educational activity is to produce comparisons between non-union jobs — particularly in the same industry — and union jobs. Call it “*The job’s the same, the union’s the difference*” and keep telling the members about the value of their organization.

Let your members vividly understand just how far ahead they are. In the same vein, if you have some members who were working before the union was organized, schedule regular times for them to recall the bad old days for the members who have always enjoyed the protection of the contract. Such memoirs are great additions to any new member kit.

■ Consistent Activity

Don’t allow the union to be seen as visible and active only when a new contract is to be negotiated. With long contract terms, long periods of apparent inactivity need to be filled by consistent — and persistent — union educational and organizational activities.

And always remember another of the inspirational slogans: *overcome obstacles*. The confusion of the members is an opportunity for the leadership, so look at their complaints as just one more mountain to move. Get yourselves together and make it happen!

— Bill Barry. The writer is director of labor studies at the Community College of Baltimore County, Maryland. Thanks to the members of CWA Local 2107 (Annapolis, MD) for their help in preparing this article.

Prior Records and Discipline

A workers' prior record on the job can be a two-edged sword. If it's bad, it can inflict serious, even fatal, employment wounds on someone who gets into new trouble on the job. But, if it's good, it can be a much-welcome weapon that can be used to trim back an employer's hope for disciplinary action.

Logic tells us that a worker's past record should have little impact on discipline decisions flowing from a new incident, but that's just not always the case. From an employer's point of view, anything that can be found to support disciplinary action in arbitration is something worth trying. In the face of such tactics, then, unions have no choice but to take the opposite tack: be sure the arbitrator is aware of your member's clean record. It just might help the worker minimize the damage from his or her current scrape.

While a worker's past record offers no guarantees, good or bad, on what will happen if a case goes to arbitration, the following examples give a sense of how arbitrators may respond.

Missing Tools

Three employees were given three-week suspensions when the employer found missing tools in their lockers. The arbitrator reinstated the workers because he didn't believe they had unlawfully taken the tools, they were still on company premises, and all three of the grievants were long-time and respected employees with unblemished work records.

Poaching Deer

A long-time railway employee was fired for carrying a gun onto company property and shooting a deer out of season, during working hours. He and another employee were out on the railway right-of-way when

they shot the deer and brought it home on their railway truck. The arbitrator put the fired hunter back to work because the other man was just suspended for five days, and the grievant was able to document 12 years of spotless employment.

Traffic Accident

A foreman was dismissed after a traffic accident. In arbitration the company said the termination was not just because of the accident, but because the foreman had violated a seat belt rule as well. The company hadn't cited the seat belt issue at the time of termination, however. The arbitrator noted that the worker had a spotless accident record and no disciplines over 16 years on the job, the seat belt charge was inadmissible this late in the process, and the accident alone was not just cause. He ruled the discharge improper.

Sleeping on the Job

A machinist was seen sleeping on the job and was fired.

During the hearing, the company raised an earlier misconduct problem for which the machinist had been disciplined. The arbitrator ruled for the company, noting that the supervisors who testified against the worker had no reason to lie about what they saw and he had been warned and suspended earlier for sleeping on the job. The arbitrator said that the other misconduct did not weigh heavily in his final decision.

Clocked Out Without Permission

A worker was fired for clocking out on completion of an overtime assignment instead of following a requirement to check for further assignments. The arbitrator reduced the penalty to a three-day suspension, noting that his prior discipline record consisted only of an oral warning for taking extended breaks, and the employee did not refuse an assignment but only clocked out and went home.

Carelessness

An auto mechanic was fired under the "carelessness and negligence" rule because a car he was working on accidentally slipped into reverse as it was being lowered on a grease rack. The company raised three other infractions to back up its case against him. The arbitrator put him back to work because that particular model of car had a history of transmissions slipping from neutral into reverse, and the company "cherry-picked" previous reprimands and failed to cite others. The arbitrator said the company appeared to be "saving" some of the prior record for future disciplines should it be necessary.

Two-Year "Wipe Clean" Clause

An employee was fired for poor workmanship. At the arbitration, the employer reviewed the worker's entire 20-year record in an effort to show it was not a one-time event. The arbitrator sustained the discharge, despite a two year "wipe clean" contract clause which said that old disciplines could not be used to justify a later discipline decision. He felt the recent record was sufficient to uphold the company's action.

A telephone operator was dismissed after complaints that she improperly disconnected calls of two customers. The arbitrator reduced the penalty to a 30-day suspension noting that in the two years following a previous incident, she handled thousands of calls without a problem. He said that prior disciplinary actions should have been removed from her file.

When handling cases where prior records can come into play, be careful to consider the following principles:

- Check for time limits on use of prior disciplinary actions
- Bring good prior records to the attention of the company and the arbitrator.
- Bear in mind that prior record is always a secondary reason for an employer to take action against a worker.
- Make sure that the prior disciplines were for the same or a similar offense.

— George Haglund. The writer is professor emeritus of labor education at the University of Wisconsin - Madison.

Documenting a clean record may help minimize discipline

Witness for the Union

There are all kinds of unions and union contracts and ways that unions and employers deal with discipline cases. As varied as they may be, one of the things most of them have in common is using witnesses to get to the bottom of what happened and what should be done about it. How these witnesses perform can have a major impact on the outcome of your case, so you've got to be especially careful about selecting and using them.

In an informal setting, witnesses may be asked to tell what they know in a meeting with a supervisor at the early stages of the grievance process. In more formal settings, they may be called to participate in disciplinary hearings, fact findings, arbitrations, or even trials. Whatever the setting, consider three basic questions to ask yourself about your witnesses. It will help you do the best job possible for a co-worker in a jam.

1. Does the witness possess the factual information needed to make your case?

The best witness offers information that can be viewed in one way only. Even if that isn't the case, you need to encourage as much clarity as possible.

Certain words can be interpreted in more than one way. For example, a witness might say, "She came back to the gate a moment later." That isn't very clear. How much time is a moment? Wouldn't the statement be clearer if the witness said, "She came back to the gate 10 minutes later"? Other words have unclear meanings. What is "a bad attitude"? What is "an OK employee"? What does it mean when the employer says our member has "a poor work record"? Many of us have been trying to figure out those meanings for years.

You also want to establish facts, not opinions. Prior to calling on your witness to offer evidence, you should challenge him or her to give you the facts and no opinions. Make your witness understand the difference between "I think it was late," and "It was 8:30 p.m." One answer is opinion, the other fact.

You've got to be especially careful when selecting and using witnesses

2. Will the witness' appearance contribute to your case?

If the answer is no, why are you calling that witness? You need a presentation strategy and theory of what happened before you try to make your case. Don't count your witnesses: it's not the number of witnesses that's important, it's their credibility. If you have six witnesses, pick the best two. You can always ask them, for the record, if there were any other witnesses present.

The danger with too many witnesses is that someone may not do well under questioning. You may find that the additional witness you added is a poor one and under cross examination he or she ruined your case.

When possible, have witnesses tell you their stories two or three times, before it counts

3. Will the witness testify in a credible and believable manner?

In most cases where you use a witness, the story will not be decided on who told the truth and who lied, but on who was considered more believable by a hearing officer, arbitrator or other third party. You must do all in your power to make your witness credible. Some of the credibility may come from establishing simple facts, such as could the witness see or hear what they said they could see or hear. You need to determine the physical layout of the place in question. Who sat where? Who stood where?

If you have the time, have your witnesses tell their stories to you two or three times before the meeting. Listen for clues that show weak recall or inconsistency.

The bottom line is you need to be as sure as possible about your choice of witnesses and what they will say. It is often in the telling of the tale that

may win your case.

— Robert Wechsler. The writer is education director for the Transit Workers Union of America.

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Mobilizing Your Members

Talk about “mobilizing union members” and many people picture mass rallies, large picket lines and similar actions — huge undertakings that involve considerable long-range planning, coordination and a lot of people working to make the activity a success. Such events can be vitally important to a union’s success, but it’s the smaller, more manageable mobilizations that can mean the most to stewards fighting day-to-day on behalf of their co-workers. It’s the smart steward whose bag of tricks contains a variety of small-scale mobilization tactics. Let’s look at some — and situations in which they can help.

Grievances

Grievances that affect a group of workers offer the opportunity to mobilize members. Activities like these have been successful in grievance situations:

- Talk to the affected workers one-on-one to gather information about the grievance. Informal one-on-one meetings enable you to talk to a worker in-depth about the issue and to explain what the union can do. It also shows that you care about the individual worker’s problems.
- Invite the affected workers to a group meeting to get more information, and to discuss what they as a group can do with the union to solve the problem. The meeting will show them that they are not alone, and that, collectively, there is a better chance to achieve success.
- If your contract and your union’s practice allows for the filing of group or mass grievances, ask all of the affected workers to sign the grievance form. This is a petition with *teeth*.
- In some locals it is the practice to file many individual grievances and swamp management with paperwork and grievance meetings. This can also be very effective.

- When you present the grievance(s), take all of the affected workers with you to the boss’s office. The boss may know how to deal with a routine grievance, but will be less sure of himself when faced with a group of united workers.

Unfair Labor Practices

If you have the authority to file unfair labor practices (ULPs), consider the following: in addition to filing with the labor board, you’re required to serve a copy of the ULP on management. Instead of mailing it, why not deliver it yourself? Take a group of workers affected by the ULP with you. I have done this with groups ranging from six workers to 250. You should see the look on the boss’s face when a group shows up at his office to serve the ULP. And even more important is the look on the faces of the union member participants right after the action. They are glowing with a sense of power.

Keep in mind that many of the workers you bring may not have the authority to use the employer’s time, so you may want to plan this activity on their lunch hour. And always coordinate this type of action with your leadership.

Mid-term Bargaining

In many locals, stewards are responsible for bargaining over changes in working conditions that arise during the term of the contract. Use these occasions to mobilize your co-workers. Get input from the affected workers using one-on-one discussions and group meetings. Discuss with them how they feel about the proposed change and get ideas for bargaining proposals. Brainstorm on actions that they can do to support the union bargaining team, such as petitions,

surveys, T-shirt days, wall signs, and so on. This will enable the bargaining team to go to the table with the workers visibly behind them.

Legislative Activities

Ask your union leadership for help in calling a meeting before or after work or at lunchtime to work on a legislative issue that directly affects your members. Examples could include legislation involving fair trade, labor standards, public sector privatization, health and safety, your state’s workers’ compensation program or a community Living Wage standard. At the meeting explain the issue and ask members to write letters to politicians, sign petitions or do other appropriate tasks. Ask your local leadership for help in getting information on the subject at hand.

Building Membership and Participation

Small-scale worker mobilizations are a perfect opportunity to recruit new members in situations in which union membership is not a requirement of

employment. Involving workers in union struggles around issues they care about is one of the best ways to sign up new people. Explain that the union strength comes from a large and involved membership. The more members we have, and the more involved they are, the stronger the union will be — and the better able to win on the issue at hand. Tell the workers that the best way for them to achieve victory is to become an active union member. Make sure to check your contract and with your local leadership on the appropriate times and locations to conduct membership recruiting.

Whether you’re in an open shop, agency shop, or union shop, small-scale mobilizations are one of the best methods to recruit new members, increase involvement and achieve victory. They take a minimal amount of planning, and increase *everyone’s* sense of power and solidarity.

— Carl Goldman. The writer is executive director of AFSCME Council 26.

Small-scale mobilizations are great member recruitment tools

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OFFICE OF THE INTERNATIONAL PRESIDENT

December 2003

Dear Sisters and Brothers:

No amount of holiday cheer can mask the hard realities faced by IAM members and representatives during the past year. As keepers of a proud legacy of union achievement that stretches back more than 115 years, it is difficult to watch as factories close, layoffs mount and entire industries shudder in the worst industrial recession in our lifetimes.

The job of a local union representative today is often one of advising out of work members how to navigate a labyrinth of unemployment benefits, social services and difficult daily choices. Meanwhile, it is just as important to continue providing quality representation to members who are not facing the personal and financial crisis of joblessness.

During times such as this, it is important to utilize every available resource to keep members properly informed and fully represented. Awareness of your local Community Service Committee or Employee Assistance Program can be every bit as valuable as an encyclopedic knowledge of the grievance procedure. The range of programs offered by various Grand Lodge departments can also provide assistance for local representatives dealing with situations that often blur the line between work and home life.

This issue of the IAM Educator is one more example of our goal to provide IAM Shop Stewards with the means, the motivation and the tools to resolve the difficult situations they frequently face.

I also want to take this occasion to express my deep thanks to every IAM representative who is facing the challenge of service to their co-workers and their union during these difficult times.

Sincerely and in solidarity,

R. Thomas Buffenbarger
International President



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