

TAMI

E D U C A T O R

Update for Stewards

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Dealing With Shift Work Issues

Unions have become increasingly concerned about the rise of shift work in our “24/7” society.

Although some people have always worked shifts, today all kinds of goods are produced and services are delivered around the clock. More and more grocery stores, gas stations, restaurants, and bus lines operate all night.

There’s a lot of evidence that shift work can be harmful to workers’ health and well-being. What are the hazards, and what can unions do about them?

Defining Shift Work

Most people use the term to mean any work that is outside regular daytime hours. Shift work can include:

- Evening, night, and weekend shifts
- Extended shifts (often 10 to 12 hours a day)
- Rotating shifts (changing times and days of the week on a regular basis)
- Split shifts (dividing the workday into segments, with several hours off between them)
- Irregular or on-call schedules.

Who Does Shift Work?

Today, more than 22 million people in North America are shift workers. Shift work is most common in industries like health care, cleaning/building services, manufacturing, protective services (like police and firefighters), food service, wholesale/retail, and transportation (like truck drivers, cab drivers, and transit operators).

Men are more likely than women to do shift work. Proportionally, workers with high school diplomas become shift workers more often than those with college degrees, and African American and Hispanic/Latino workers become shift workers more often than whites. Management jobs have the least shift work.

Dealing With Shift Work Issues

Some workers say they prefer shift work so they can meet family or child care responsibilities, to get better pay, to allow time for school, or to make commuting easier. However, very little shift work is voluntary. It’s often the only work people can find.



Shift Work’s Effects

Shift work can cause fatigue and put a lot of stress (both physical and mental) on workers. Its effects can include:

- Accidents and injuries on the job due to decreased alertness
- Damaged family relationships (for example, there is a much higher than average divorce rate among night workers)
- Behavioral problems (for example, shift workers tend to be more irritable and use more alcohol and tobacco than day workers)
- Serious health

conditions like ulcers, other digestive disorders, heart disease — even breast cancer, which has been linked to night work in some recent studies.

Sleep disorders are common among shift workers and are closely related to many of the other problems above. The human body has an internal clock that runs on a 24-hour schedule. This clock is “wired” so we are normally awake during the day and asleep at night. Many of our

body functions are regulated by this clock, including body temperature, hormone levels, memory, and other mental activities. These 24-hour processes are called *circadian rhythms*. When circadian rhythms are

disrupted, the whole body can get stressed and “out of sync.”

Over time, workers’ bodies can adjust somewhat to regular night work schedules. Older workers may have more trouble adjusting than those who are younger. If schedules change frequently, no worker of any age may ever be able to adjust.

What Can Stewards Do?

Stewards can try to get worker-friendly shift policies added to the union contract, or work with management to get good policies adopted. Here are some recommendations that can make shift work easier:

- Negotiate shift premiums (extra pay to compensate shift workers for hardship).
- Minimize long shifts and overtime work.
- Assign shift work fairly. Shifts should be voluntary where possible. Prohibit discrimination in shift assignments.
- Keep schedules predictable. Give adequate notice of changes.
- Provide at least 48 free hours before a new shift change takes effect.
- Use flextime to help workers meet child care, commuting, or other special needs.
- Provide enough rest breaks, such as brief breaks every hour.
- Provide counseling and training to help shift workers and their families deal with the physical and psychological effects of their schedules.

— Karen Andrews and Gene Darling. The writers are on the staff of the Labor Occupational Health Program, University of California, Berkeley.



Bridging Cultural Differences

At a union convention some years ago two delegates from New York arrived at an available pay phone at the same time. Both were desperate to make a call. After some harsh words were exchanged one of the delegates kept the phone and the other walked away to look for another one. A delegate from Texas who observed this exchange remarked aloud: “If two Texans had talked to each other like that someone would be dead now.”

I laughed and said that New Yorkers were more willing to tolerate frankness (some would say rudeness) and conflict without taking it personally.

This is just one example of how different cultures deal with issues like conflict.

There are other areas where cultures often differ, and knowing about them will help stewards in their dealings with members and management from different parts of the country or the world and who have grown up in cultures different from your own. Among those areas are:

Directness

When I was in Mexico for an extended period of time I learned that it was quite rude to ask a stranger a question (like how to find the bus station) without taking some time and first saying “buenos dias.” Going back to the way it is in New York, most strangers would appreciate you not taking more of their time than necessary by getting right to your question without small talk.

Likewise, people differ in how they feel about how near another person should get when talking to them. One person’s attempt at showing friendship

and trust by huddling close to others may cause them to feel their personal space is being invaded.

While these kinds of things may seem trivial, they could make getting the facts of a grievance or getting a settlement with management more difficult if the person you are dealing with feels insulted or “invaded.”

Getting and Valuing Information

Some people are “facts and figures” kinds of people. When faced with an issue they go on the Internet to find statistics and suggested solutions. Others put more importance on getting a “feel” for the

issue and ways to approach the issue and may want to talk to others who have experience dealing with similar situations. Both kinds of information need to be considered for good problem solving and decision making, but people working together on a problem may butt heads over this unless they are considerate and respectful of the other’s style and find room for both approaches.

Concepts of Time

Have you ever noticed that not everyone means the same thing when they say, “that *never* happens” or “I’ll be there *soon*,” or “yes, that happens *sometimes*.” In an exercise we do in classes, students rate on a numerical scale what they mean by words like *never*, *soon* and *sometimes*. What we find is that when some people say “it never happens,” what they mean is it happens zero times. Meanwhile, others in the same class might say “it never happens,” but what they mean is that it happens 30 percent of the time.

The wide range of meanings people have for words like these demonstrates

that we have to be more precise and ask for clarification and definitions.

Imagine trying to process a grievance when all the grievant tells you — and therefore all you can tell management about the case — are statements full of ambiguous words like those mentioned above. You have to find out more specifically what people mean by the words they use.

Working on Tasks with Others

Some people want to get right to work on a task and figure they will get to know others as they work together. Others may only be comfortable starting on the task after some time has been spent getting to know the others they will be working with. What kinds of conflicts and misunderstandings do you think are likely to happen if these two types try to work together without, at the first sign that something is wrong, discussing their different styles and reaching an understanding on how to proceed?

Revealing Feelings and Opinions

Some people are readily willing to share their feelings or opinions with others, even those they just met. Others are more reserved and only reveal this more slowly and after they trust the person they are telling.

This could be a real problem in an investigation if you are asking lots of specific questions and the member is reluctant to tell you everything right away. In cases like that you need to be aware that you may have to build your relationship with the member and raise his or her comfort level before you can get the real story.

Likewise, if you are trying to make a decision and some people are freely giving their opinions while others are remaining silent, don’t assume you know what the silence means. You need to create an atmosphere where everyone is comfortable sharing their feelings and thoughts.

It’s not realistic to think you can bridge all cultural gaps effortlessly just by reading a few helpful tips. Doing so takes time, good listening and awareness skills and lots of practice.

— Ken Margolies. The writer is on the Labor Extension faculty of Cornell University.

How you say it can matter as much as what you say.



Challenge Those Suspensions

Employees are often reluctant to file grievances over short-term suspensions. After all, compared to a discharge, a suspension seems to result in relatively little harm. And a lot of employees don't want to appear as if they are "troublemakers."

Instead of fighting it, a lot of workers will laugh off a suspension with the general declaration, "Hey, I wanted a couple of extra days off, anyway."

But a smart steward never allows a suspension to go unchallenged. Accepting the suspension unchallenged sets a precedent for other employee suspensions based on the same issue. More important, though, today's suspension could help contribute to tomorrow's termination. The reality is that the presence of a suspension on an employee's record may directly result in an arbitrator's decision to uphold that employee's discharge on a similar or related issue in the future.

The Record Counts

In deciding whether to uphold an employee's discharge, arbitrators routinely place great emphasis on the employee's disciplinary record and on the employer's use of progressive discipline. That means the presence of a suspension on an employee's record can play a big role in an arbitrator's determination on whether to uphold a discharge. Arbitrators look at an employee's disciplinary record the way a judge looks at a newly convicted criminal's "rap-sheet" to decide what kind of sentence to hand down.

If an employee has already been suspended once, therefore, an employer will have an advantage at a subsequent arbitration of that employee's discharge: the record will show that the worker is a problem. So, looking down the road a bit, suspension grievances can be as important to an employee's job security as discharge grievances.

Stewards must challenge suspensions when they happen and not wait until the employer discharges the suspended employee. Suspensions must be grieved in a timely manner because, as a rule, arbitrators will not allow belated challenges of suspensions — challenges that come only in the course of a later discharge arbitration.

For example, say the union files a grievance challenging the discharge of an employee who received a two-day suspension one year before his or her discharge. If the union did not originally challenge this suspension within the contract's time limits, an arbitrator at the discharge arbitration will not allow the union to argue that the suspension was unjust.

No "Mere" Suspensions

What if the affected employee is reluctant to fight a "mere" suspension? "Hey, what's a couple of days? No problem." Stewards must make sure the employee understands that what looks like a relatively minor punishment today can contribute to his or her job loss down the road.

Still, the union and the employee may agree that they want to challenge the suspension only if the employee is later discharged. If that happens, the union can inform management that it is withdrawing that grievance "without prejudice" to a future challenge of the suspension. That means the union is withdrawing the grievance, but is reserving the right to argue the merits of the suspension at a later date, if necessary.

By withdrawing the grievance "without prejudice," the union is informing the employer that, despite its unhappiness with the discipline, it does not plan to take the matter to arbitration at that time. If the suspended employee is later discharged, however, the union can then challenge both forms of discipline. Remember, though, an arbitrator will

allow a later challenge to the suspension only if the suspension grievance is on record as having been withdrawn "without prejudice."

Some Tactical Advice

As a final note, if you do file a grievance challenging an employee's suspension, and if the employer discharges the employee while the suspension grievance is still pending, grieve the discharge, but do not ignore the suspension grievance. You must continue to process the suspension grievance in a timely manner in order to preserve the union's right to challenge the suspension in addition to the discharge. The discharge grievance will not automatically incorporate the pending suspension grievance.

For example, in one case, an employer denied an employee's suspension grievance at the second step of the grievance process. Shortly after denying the suspension grievance, the employer discharged the employee. The union thought that the grievance it filed to challenge the discharge incorporated the unresolved suspension grievance, so it focused all its efforts on the discharge grievance and ignored the suspension grievance.

When the union took the discharge grievance to arbitration, the arbitrator refused to let the union challenge the suspension. The arbitrator said the union had never appealed the employer's second step denial of the suspension grievance. He decided that the suspension grievance did not incorporate the discharge grievance (1) because the discharge grievance did not mention the suspension and (2) because there was no express or written agreement to merge the two grievances.

Consequently, the union must process suspension and discharge grievances independently unless the union and the employer expressly agree to consolidate the two grievances. To consolidate a suspension grievance with a subsequent discharge grievance, a steward should refer to the suspension in the discharge grievance and should get a written consolidation agreement from the employer.

The Disgruntled Steward

“**M**y members are so-o-o-o dumb! I just can’t believe it. They don’t know what’s in the contract. They let the boss get away with everything. They don’t want to do anything. I just about give up on ‘em — the whole bunch.”

As a steward, did you ever say this? Unfortunately, as workers and workplaces change, it’s becoming more common for a steward to become frustrated and angry — not just at the boss but at the members as well.

Look in the Mirror

A good steward sees the problem. A great steward knows how to find the solution. In this case, a steward who is angry at the membership can start solving the problem by — yes, looking in a mirror. The old expression that “you begin changing the world by changing yourself” is never truer than for a discouraged union steward.

Approaching a member with a chip on your shoulder is guaranteed to get a bad response. Negativism is an infection that can seriously harm a steward’s effectiveness and will quickly drag down the union. Take a deep breath and resolve to approach each member in a positive way. You will be surprised — or not — that a positive approach brings a positive response.

There are also changes you can make to move your membership forward, especially if there is a critical event like contract negotiations coming up.

One change is the assumption that all of the members either know, or should know, the union contract and should know that if there is a problem, they should call for a steward. In most cases, workers coming into a workplace bring no union background or skills with them. As union membership continues to decline across North America, young workers are less and less likely to come from union families, where dinner table conversation may

have included discussions about union issues.

Workers coming from non-union workplaces usually believe, mentally and emotionally, that the boss is all-powerful and cannot be challenged without great risk. Having a union changes this workplace power dramatically: now, an individual worker has a group to help out, and the existence of the union contract means that the boss’s hands are tied in all kinds of ways, from pay rates to disciplinary action. A steward has to understand that members are not “stupid.” They are just products of a different system. It’s almost as if they speak a different language, one that the steward needs to understand.

The Steward’s Responsibility

If a steward complains about the members’ ignorance of large sections of the contract, for example, then the steward needs to take responsibility for teaching them. Offer lunchtime meetings to cover an article each week, or even every day if your members are interested. Select a key clause, like the Recognition clause, overtime pay or the grievance procedure, and quickly explain it to your members. Give examples of recent grievances or issues that relied on the particular clause. If you give the short presentation in the lunch room, or at an outside eating area in nice weather, you will be happily surprised at the number of members who not only pay attention but will offer points of discussion.

If your union is approaching negotiations, members’ interest will hit an all-time high. Take advantage of the surge by developing activities to involve each of them, and by consistently giving them accurate information about the negotiations.

Employers will usually flood the workplace with negative “information” about the new contract, so the steward has to be aggressive and thorough to establish control.

A really sharp steward will recruit some veteran members to help out, always understanding that the steward’s role in building a union is based on getting other members to do something — anything, really — positive for the local. At all times, it’s both a matter of principle and a practical help to develop some “deputies” — solid union members who will help out a steward by understanding both the importance of the union and key

issues as they come up. A steward who tries to do everything, and to be everywhere, is doomed to fail: as you often say to your kids, I only have two hands. The same limits apply to a union steward, so be proactive — get a group together, spread out over whatever shifts and work areas you have to cover, and let them help you carry

the load.

An aware, informed membership makes the steward’s job easier and the union stronger.

A Change in Thinking

Getting help reflects a change in the steward’s thinking — from complaining about what the members won’t do, to figuring out what each of them will do, and planning accordingly. It’s always helpful to practice “retail unionism” by checking with individual members and getting to know them — their personalities, strengths and concerns. The one-on-one contact will not only tighten up the organization but a steward will quickly appreciate how good it feels to be positive.

The steward will also be surprised at how smart the members suddenly become and how willing they are to begin standing up for themselves and their union. As the union grows stronger, more grievances will be won and the membership — coming full circle — will be pleasantly surprised at how much smarter their steward has become.

— Bill Barry. The writer is director of labor studies at the Community College of Baltimore County.

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OFFICE OF THE INTERNATIONAL PRESIDENT

Dear Sisters and Brothers,

As we near the end of another year, you can be proud of the job you have done. Across North America, corporations and hostile governments have tested us, seeking to gain advantage and roll back wages, benefits and our ability to be a voice at work for our members.

But with your help we have met the challenge. In the United States and Canada our members have fought corporate greed and focused on organizing new members to increase our strength. And, delegates at our historic 37th Grand Lodge Convention in Orlando, Fla. took many steps to ensure the IAM will be a formidable force for another 120 years.

Delegates also united behind the candidacy of Democratic Presidential nominee Barack Obama and voted to endorse him. This edition of the *IAM Educator* was being prepared before the results of the November election were in. We're confident our grassroots effort will give us a larger pro-working family majority in the U.S. House and Senate. And whatever the outcome, your help will be necessary to hold either the new Democratic president-elect accountable or take on the fight of another four years of an anti-labor Republican administration.

Your role as a steward will be as important as ever. To help you carry out your duties, this edition of the *IAM Educator* contains informative articles about dealing with cultural differences in the workplace, managing the growing use of shiftwork, challenging employee suspensions and dealing with the common frustrations of being a Steward.

Thank you for the job you do as an IAM Steward.

In Solidarity,

R. Thomas Buffenbarger
International President

