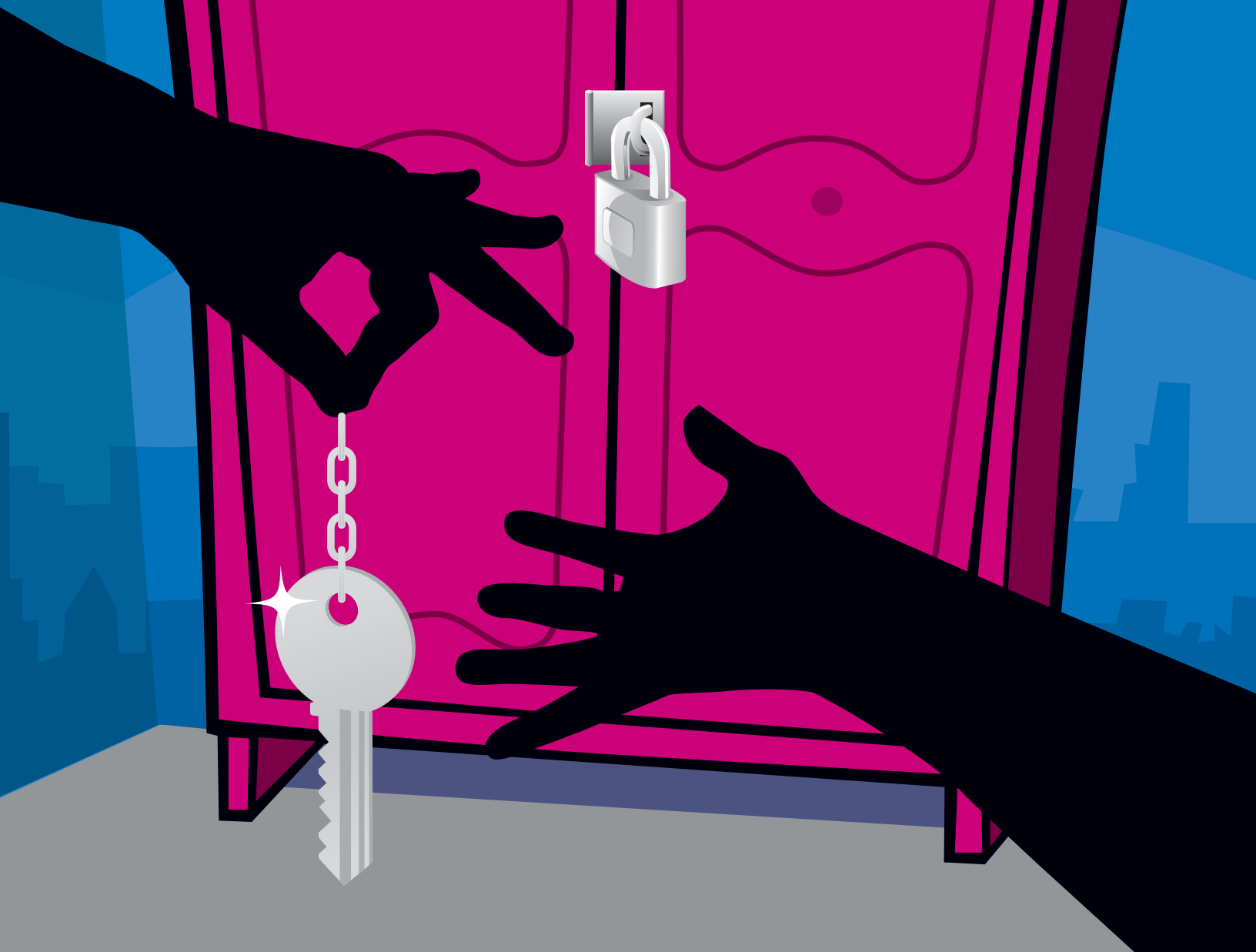


# Helping Members Help Themselves



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**S**ome may work from sun to sun, a wise man once said, but a steward's work is never done. Stewards frequently are asked to assist members with everything from health and safety issues to contract questions, from personality conflicts to family problems — not to mention expectations of assistance on the part of union leadership that they will help get out the vote in elections or sell tickets for a union raffle.

It's enough to make a steward overwhelmed, frustrated, maybe even totally burned out.

The sad reality is that some members tend to treat stewards as if they're a personal assistant, expecting them to be experts on everything with nothing more to do than tend to the member's needs of the moment — *whatever* they are.

Experienced stewards know how to deal with this syndrome. Instead of getting sucked into the routine of trying to be everything to everyone and all knowing — an impossible task that actually *weakens* your union — you've got to help members learn to help themselves. This doesn't mean simply telling them you don't know or can't help. It means advising them on possible contractual remedies, providing them with contact information for outside help, or suggesting other potential self-help solutions.

## Everybody Gains

Responding this way can not only lighten the steward's workload, but it can give members a sense of self-satisfaction and accomplishment. It can encourage them, condition them toward future self-sufficiency, and motivate and empower them.

And empowered and motivated members are just what is needed if you are to have a strong union.

First and foremost, encourage members to regularly attend membership meetings whenever possible. Urge them to have direct contact with union leadership, to find out if their issues and problems are affecting others and to bring or support motions to address their concerns.

Do what you can, in appropriate situations, to point the concerned member in the right direction. You want to strike the right balance: be helpful, so the member appreciates the value and assistance of the union, but don't be so helpful that the problem or question ends up exclusively in your lap. If someone has a general question on proper

safety procedures, for example, you might point him or her toward a section of the contract, and perhaps to the Occupational Safety and Health Administration Web site or regional office. Of course, if there is an immediate threat to worker health or safety, you should jump in and give it your full attention.

## Aid with Outside Help

Personal problems can also affect a member's performance and attitude at work. When steward counsel is sought, you should be able to provide contact information for organizations dealing with substance abuse, marital, personal health, money, credit counseling, anger management and other issues. Contact information for reputable family law and criminal attorneys is also helpful. In many cases there are Employee Assistance Programs available for just these kinds of problems.

If not, or if for some reason the worker wants to go totally outside the program, make contact information to outside agencies available.

Encourage members to be politically active. Supporting labor-friendly politicians, at all levels of government, can get supportive and protective legislation passed, and even assistance with personal issues, when appropriate, from grateful legislators.

## Grievance Self-Help

Finally, going back to the foundation of union representation and resolution of grievances, stewards might want to consider asking the member with a contract-related problem to fill out a grievance form himself. Even if you have to re-do it, which is likely, at least you'll have a lot of the basic information in hand as you begin your own work. Think about offering grievants a sample, completed (as much as possible) form with all the pertinent areas generically filled in for members to use as a guideline, then simply review and have the member correct if necessary before filing. You can also condition grieving members to compile a witness list, gather pertinent documents, and provide any evidence when turning in grievances. These things should be easier for the member to initially attain, and save the steward time and effort during his or her own investigation. The member may not be able to lay hands on everything you'll need, but you'll be saved some work and the member will get a sense of satisfaction for having advanced his case.

Some members will balk at this insistence on self-reliance, of course. For those, remind them not only of the number of people and issues that you regularly handle, but that if their issue isn't important enough to them to make an effort, why should you?

By helping workers learn to help themselves, you're helping create more knowledgeable and active members (possibly even new stewards); a stronger union; and a lighter load for overworked stewards everywhere.

— David Bates. The writer is a twenty-two-year member and former steward and president of a Transport Workers Union local in Florida.



# The Right to Representation

One of the most valuable protections a worker has is the right to representation when called in by the boss. The presence of a steward or another union representative as an advocate/witness can mean the difference between someone being railroaded out of a job and having justice prevail.

“Weingarten Rights” are key when discussing representation. Weingarten Rights are named after a landmark 1975 U.S. Supreme Court case. Through court decisions and legislation, this protection now covers almost all private sector and federal employees and many state and local government employees in the United States. Canadian workers generally enjoy comparable protections as well.

Under Weingarten, in order for a worker to have the legal right to a union representative during a meeting with management, all of the following conditions must be met:

**1 The meeting is an investigatory interview.** This means that the employee is expected to answer questions in connection with an inquiry into possible wrongdoing or unacceptable behavior. Weingarten rights do not cover meetings where the communication is one-way; that is, when the purpose is merely to convey information to an employee or to notify an employee of a decision already made regarding discipline. Keep in mind also that discussions of job performance do not automatically include the right to representation. That right exists only if the meeting also involves giving answers to questions that may then lead to a disciplinary action.

**“If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my union representative, officer, or steward be present at the meeting. Without representation, I choose not to answer any questions.”**

*(This is my right under a Supreme Court decision called Weingarten)*

**2 Disciplinary action may result from the meeting.** The legal standard here is that a disciplinary action — of any severity — is one possible result of the meeting. Since what matters is whether disciplinary action may result, it legally makes no difference that the supervisor who calls the employee in may not be intending to take disciplinary action.

**3 The employee reasonably believes that disciplinary action may result.**

The law generally requires only that the employee has a reasonable belief that he or she may be disciplined. Whether that belief is reasonable or not is a judgment call, and will be determined based on all the circumstances surrounding the meeting: has the supervisor previously raised the possibility of discipline? Have other employees been disciplined for what this individual is accused of? Is this employee working under the threat of a performance warning letter?

**4 A request is made for representation.** Weingarten rights differ in one crucial way from the Miranda rights (“You have the right to remain silent...”) you see on television; unlike the police, employers have no legal obligation to advise workers of their rights before questioning begins. It is up to the

individual employee to know her rights, and to state that she doesn’t wish to answer any questions until her representative arrives.

Once the steward or other union representative arrives on the scene, what are the legal guidelines?

**1 Learn the nature of the investigation.** You can insist on being informed beforehand as to what the questioning is going to be about.

**2 Pre-interview consultation.** You and the employee have the right to talk privately before the questioning starts. Use the opportunity to learn what the background facts are, and to give the worker a quick briefing on how best to conduct herself during the meeting.

**3 Right to participate.** While the employer can insist that the employee give her own account of what happened, you have the right to speak up during the process: to obtain clarification of questions that are unclear, to object to improper questioning, and to supplement your answers with other information that may help the employee’s “defense.”

**4 Write it down!** One extremely valuable function you can play is to take careful and complete notes of what goes on at the meeting. This can avoid disputes later on as to who said what.

If a request for representation is turned down and an employee is directed to answer questions, there’s the risk of discipline for insubordination for refusing to do so. So the wisest course of action generally is for the employee to answer the questions under protest, and then to pursue legal relief, either through a contractual grievance or by filing an unfair labor practice charge with the appropriate Labor Board.

— *Michael Mauer*: The writer, author of *The Union Member’s Complete Guide*, began his career as a lawyer with the *National Labor Relations Board*.

# Challenges to a Steward's Authority

**J**ust who do you think you are!?” You, the steward, have just been hit with that one — a challenge to your authority by a supervisor or by a member at your workplace.

What are the boundaries of a steward's authority and how do you handle challenges to it?

You have certain rights as a union steward through labor law, your contract, and past practices of union-management procedures at your workplace.

## The Equality Principle

One of your most important sources of authority is the “equality principle.” Under National Labor Relations Board doctrine, when stewards are acting in their official capacity, they are considered to be equals with management. You are acting in your official capacity when you investigate a grievance, request information, present a grievance or represent workers in other ways.

The equality principle allows you to express yourself in ways you ordinarily wouldn't in a supervisor-worker situation. You can question management aggressively, challenge them on positions you believe are unfair, even raise your voice and call them names if you think it will help your case.

You also have the authority to demand certain kinds of information from the employer if it is pertinent to your case.

Sometimes a person challenges your authority because he or she simply doesn't understand your role. Remember, it took you a while to learn it, and our society at large is not very well educated on labor matters.

Never assume that a supervisor understands your role: management gen-

erally does an uneven job of training supervisors on such issues.

## Managing a Supervisor

Sometimes making it clear that you are the union steward and you are acting in your official capacity clears matters up. Other times you may have to spell out your rights to a supervisor.

Let's say you are acting within your rights — on work time, which is the practice in your workplace. You're interviewing a worker about a possible grievance and are challenged by a supervisor. Respond in an even tone of voice, “As the union steward, I have the right to interview workers on company time.” If pressed further, suggest that the supervisor check with his or her supervisor or with the personnel director on the proper procedures.

Because the equality principle does allow you some latitude in expression in your role as union steward, you'll find an inexperienced supervisor, taken aback by your assertiveness, may challenge you in a grievance hearing when you question his or her credibility, or when you use confrontational language. Again, it will help to spell out your rights: “As the union steward, I have a right to question the accuracy of your information.”

It's also possible that the workers you represent may not fully understand your role. They may challenge you as a busybody when all you are doing is conducting a grievance investigation. When you inform them of the remedies for grievances or outcomes of labor-management meetings they may resist, thinking you are some kind of “straw boss.”

## Explain Your Role to Your Members

Early in your stewardship it is a great idea to sit down with the workers you represent and explain your role to them — what you can and cannot do. Also tell them what they can expect from you — your best in representing them and how that's done — and what you expect from them — their participation in the union and support for you. From time to time, explain it again for new people on the job.

Sometimes people challenge your authority just to “test” you — supervisors and members alike, particularly if you are a new steward. Supervisors will want to find out if they can intimidate you. Members want to know if you'll stand up to management, so they'll challenge you first to see how you measure up.

Recognize this experience for what it is. Stand your ground, keep your sense of humor, and you'll pass the “test.”

Then there's the breed who will challenge your authority expressly to

undermine you. This group includes supervisors who want to dominate and weaken the union's influence, or members with an ax to grind or a personal agenda to push through and thus want to get you out of the way.

## Stand Your Ground

In these situations, you need to stand your ground, get support from your union representative and, especially, from the others in your unit. Remind them that an attack on you, the steward, is an attack on the union and can threaten everyone.

Your best strategy is always to keep your co-workers well informed and get them involved in what's happening in the union. When you can demonstrate that you have the support of others, you won't have to worry about your authority being regularly challenged.

— Patricia Thomas. The writer is on the staff of the Service Employees International Union.

**One of a steward's most important sources of authority is the “Equality Principle.”**

# The Second Chair

**W**hen you go into a grievance meeting or disciplinary hearing with the employer you need all the resources you can marshal. Have you ever thought of going in with a second union official who can act as your silent partner?

In law, this tactic is sometimes referred to as the second chair. Lawyers will often take a paralegal into a hearing to serve as the note-taker or the second chair. You should too.

Chiefly, the second chair will take the union notes at grievance presentation or a disciplinary hearing. This practice allows the union

advocate to concentrate on questioning witnesses, presenting information, objecting to employer questions or actions, and generally following the union strategy at the meeting.

## You're Freed to Focus

A second chair frees you, the union advocate, from the task of keeping an accurate record of the meeting while trying at the same time to take an active role in the meeting. The union advocate may come into the room with a checklist of questions that she wants to ask. During the course of the meeting, she may need to ask other questions that arise out of the evidence presented. It is a lot to ask of one person to do all of this and keep a written record of the proceedings. That is why if a grievance officer must perform both roles, she is always advised to slow the meeting down. Traditionally, if the union officer is in the meeting solo, she must ask questioners and witnesses to speak slowly and often repeat answers so that their answers can be accurately transcribed.

You may hear an employer offer other suggestions rather than accede to having two union representatives in the

room with them. Chief among them is their proposal to share their notes with the union. The problem with “their notes” is that there is no guarantee of their accuracy. And by accepting “their notes” as a record of the meeting, the union may put itself in a compromising position over what was really said and how it was said.



Also, remember the tone of the meeting is also important, because how a phrase is said is equally as important as the words chosen. Employer notes rarely indicate the tone of the conversation — unless, of course, the union representative or employee loses his temper.

## Union's Notes Can Be Vital

In some disciplinary hearings, employers may bring in someone to take down an official transcript of the meeting. The hearing officer will then present the record of the proceedings to the union for verification. Even in this case, you want to be able to take your own notes just in case the reporter misses something such as a union objection or the hostile way a question was asked. Sometimes the transcriber is just plain sloppy and the word “no” can mysteriously become a “yes.” The union can flag this problem by referring back to carefully taken notes.

An employer may offer to tape record the meeting. That suggestion may be illegal in some states. Or, what happens if there is a mechanical failure? Where the employer has traditionally used a recording device you should also be able to use a recorder as well. But that should not stop you from taking notes so that you can

outline the important areas you need to review when you go back to the recording and its transcript. Insisting on note taking also gives you the excuse for getting the second chair in the meeting.

Some contracts actually provide for a second chair. The contract language may refer to having more than one union representative at grievance and disciplinary meetings. Under those circumstances, the union should always take that opportunity to assign note taking to the other individual. Even in cases where contract lan-

guage is silent, the union should try to take the second chair into the meeting. Some employers may object, but others have been unfazed by the union bringing in a note-taker. A strong case can be made to the employer that it is in the employer's interest to

make sure the meeting has the appearance of fairness.

## Other Tasks to Handle

There are other roles that can be assigned to the second chair. Grievance meetings and disciplinary hearings are notoriously filled with paper. The union may have evidence it wants to introduce or lists of objections it wants to get in to the record. The employer may hand over requested information at the hearing. The second chair can manage the paperwork so that nothing falls through the cracks.

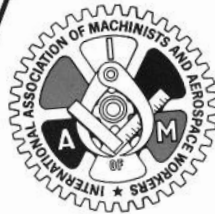
The second chair should also act as a buffer between the grievant and the advocate. The grievant should not distract the advocate while he is talking. If there is to be communication, it should be via notes so there is always only one chair of the union committee.

Remember to bring pads and pens to the meeting and be sure to lay out the ground rules among the union team ahead of time. Once everyone is sure of their role and the means of communicating with each other at the meeting, the union will present a strong and efficient team.

— Robert Wechsler. The writer is Education and Research Director of the Transport Workers Union of America, AFL-CIO.



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OFFICE OF THE INTERNATIONAL PRESIDENT

Dear Sisters and Brothers,

This has been a difficult year as working families across the globe continue to come to grips with the mass hemorrhaging of jobs, the exhaustion of unemployment benefits, and plundering of hard-earned savings and retirement benefits. The IAM has been working to buffer this economic freefall and help its members weather the storm.

Prior to the 2008 elections, we walked neighborhoods across the country to support leaders strong enough to guide us through the deepening recession. Our efforts yielded the election of President Barack Obama and a Democratic majority in the House and Senate in the United States and in Canada the New Democratic Party made substantial gains. In the passing months, we've witnessed the demise of policies put in place by the Bush administration to weaken unions. We've seen the birth of new policies aimed at educating our members as well as future members rebuilding the middle class. And, through the *JOBS Now!* program, we've initiated the fight for a second stimulus program to speed up job creation. But, the battle is far from over.

In the United States, we are quickly approaching the final lap of two very key issues working their way through the legislative process: the Employee Free Choice Act and health care reform. To Americans, passage of these bills will mark the beginning of a new era, one in which the financial stability and welfare of middle-class families finally reside at the top of our nation's priority list. To Canadians, passage would mean having a neighbor with values and standards parallel to your own, which will also serve as much-needed reinforcement for the laws and policies you so tirelessly fought for.

As Stewards, you must keep up the momentum. You must continue full-speed ahead towards the adoption of laws in the U.S. and Canada that protect the rights of workers and expand those rights where inequality exists.

Keep up the good work.

In Solidarity,

R. Thomas Buffenbarger  
International President

