



**Thank you for  
becoming a  
steward!  
You are the  
backbone  
of our union.**

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To confirm whether your steward registration has been received and that your contact information is correct, please contact SGEU's Member Information Services staff at **1.800.667.5221, 306.522.8571** or [mis@sgeu.org](mailto:mis@sgeu.org).

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# CHAPTER 1

## What is a steward?

SGEU stewards are workplace leaders who handle grievances, build unity, and promote involvement among members in the workplace. As a steward, you are the first person workers should speak to when they have questions or concerns about their workplace or are seeking the help of their union. While stewards are not expected to solve every problem, being able to provide your coworkers with useful information and assurance is a good start.

Your attitude and the effort you put into this role is what counts. Being a “know-it-all” is not helpful in being an effective steward. If you do not know something, admit that you don’t, and find the answer.

Like most important roles, that of a steward can be difficult. It may seem like you’re expected to be all things to all people. By understanding the various roles of a steward and doing your best to fulfill them, you will contribute to the strength of the union.

### TOP 3 STEWARD OBJECTIVES

- **Build a strong union in your workplace**
- **Resolve disputes when you see or hear about them**
- **Handle grievances**

## EFFECTIVE SGEU STEWARDS ARE:

### PROBLEM-SOLVERS

Stewards should be able to identify the various aspects of conflict and the steps needed to resolve them.

### CREDIBLE AND RELIABLE

Stewards must possess a high degree of integrity, be open and honest, and respect the privacy and confidentiality of each member.

### ASSERTIVE

Stewards are assertive and decisive and able to deliver difficult and unpopular news.

### RESPECTED

An effective steward possesses a strong work ethic and is a positive, motivated, enthusiastic, and energized supporter and promoter of the union. A steward is a champion of the union movement and is a consistent advocate for members.

### PRINCIPLED

Stewards must demonstrate commitment to the principles of justice, equality, security, fairness, and democracy.

### COMPASSIONATE

Stewards should be compassionate and able to develop a rapport with members. They should make members feel comfortable and provide them with support and encouragement.

### COMMUNICATORS

Stewards need well-developed communication skills, including the ability and willingness to give their undivided attention. They must be thorough, well organized, and empower members to help themselves by providing them with information and support.

# CHAPTER 2

## SGEU steward structure

The structure and role of stewards in SGEU is governed by the SGEU Constitution and Policy Manual.

### SGEU Constitution

According to SGEU Constitution Article 5 on STEWARD ORGANIZATION:

**5.5.1.** The President of the Union shall be an ex-officio Chief Steward of the Union.

**5.5.1.1.** All Negotiating Committee members shall be stewards within their bargaining units.

**5.5.2.** Stewards, Executive Officers, Bargaining Committee Members, and Provincial Council Members shall attend Leadership Development courses as they are provided.

**5.5.3.** Members within a steward district shall elect a steward every two (2) years and whenever a vacancy occurs and have regularly scheduled membership meetings to discuss workplace and/or union issues.

**5.5.4.** Elections shall be organized by the Sector/Local to take place

in the designated districts during May or June, unless otherwise directed by specific Sector/Local bylaws.

**5.5.5.** The Sectors Vice-President or designate shall ensure that stewards are registered, by numbered districts, and chief stewards by numbered zones, with Membership Records within thirty (30) days of the conclusion of the elections and ensure that a proper steward structure system is maintained within the Union. Membership Records, Bargaining Unit Chairs and Sector Vice Presidents shall be advised by the Local Secretaries of the results of steward elections within the Local or Bargaining Unit within 14 days of the election occurring.

**5.5.6.** If a steward vacancy occurs during the two-year term, an election shall be called by the chief steward, within thirty (30) days of the vacancy occurring. The steward elected will serve the unexpired term created by the vacancy.

**5.5.7.** Chief Stewards shall be elected for each zone, representing approximately



ten (10) districts, in accordance with the bylaws of the Sector/Local. If a chief steward vacancy occurs in a zone, it shall be filled in accordance with the Sector/Local bylaws.

**5.5.8.** Chief Stewards and stewards shall endeavor to complete the LD 10, 11, 20, and 30 as provided by the provincial Education and Publicity Committee within the time limits set out in Article 17 of the Policy Manual. Other elected officials of the Union shall endeavor to complete the LD 10, 11, and 20, as provided by the provincial Education and Publicity Committee within the time limits set out in Article 17 of the Policy Manual.

## SGEU Policy

According to SGEU Policy Article 25 on STEWARD STRUCTURE:

### 25.1 COMMON SET OF SERVICES

**25.1.1** SGEU commits to providing members with a common set of services through the steward system and to providing a common set of supports to stewards to build their capacity to deliver those services to members. (Revised PC #2007-06-64)

## 25.2 ESTABLISHMENT OF STEWARD DISTRICTS

**25.2.1** Sectors will establish steward districts in a manner that guarantees no steward will represent over 25 members. A steward district may be any definable workplace unit (department, building, floor, shift, crew, etc.) with twenty-five (25) or fewer members.

**25.2.2** Notwithstanding the above, with the approval of the sector, a district may elect two stewards to job-share one steward position. Existing nomination and election procedures shall continue to be followed, and job-sharing is not intended to alter existing numbers of voting members on sector or local executives or other bodies. Job-sharing is intended to be used in conjunction with the steward-mentorship program, in situations where the current steward is close to retirement, and to achieve the goal of a representative steward body. (Revised PC #2007-06-64)

**25.2.3** To address chronic vacancies, create mentoring relationships, or avoid hostility towards stewards, among other issues, SGEU supports involving as many stewards as there are volunteers wanting to serve in the role, while still respecting the principle that every steward must be elected or acclaimed every two

years, following the procedures set out in bargaining guidelines and other governing documents. The Union encourages sectors and locals to allow for increased steward participation despite the 1:25 steward-to-member ratio referred to herein. (Revised PC #2007-06-64)

### **25.3 SMALL BARGAINING UNITS - MORE THAN ONE STEWARD/DISTRICT**

**25.3.1** Smaller bargaining units may have more than one steward per district. To establishing chief stewards, however, the district, rather than the number of stewards, will be the deciding factor.

### **25.4 NUMBER OF CHIEF STEWARDS - MORE THAN 10 STEWARD/DISTRICTS**

**25.4.1** There should be one (1) chief steward for every ten (10) steward districts. Only stewards may be nominated for chief steward. If no steward is available to be nominated for the Chief Steward position, the position will be filled according to the Sector Bylaws. Chief stewards are elected by the membership in the affected steward districts unless otherwise stated in the Sector Bylaws, Local Bylaws, or the Bargaining Guidelines. (December 2005 PC) (Revised PC #2007-06-64) (Revised PC #2011-06-36)

### **25.5 NUMBER OF STEWARD DISTRICTS - LESS THAN 10 STEWARD DISTRICTS**

**25.5.1** Smaller bargaining units, with fewer than 10 steward districts, will share chief stewards. These bargaining units shall elect chief stewards as per their sector bylaws. (Revised PC Dec 2006 -- Motion #2006-12-39-MCL-55) (Revised PC #2007-06-64)

### **25.6 UNION LEAVE**

**25.6.1** Under the new job description of the chief steward, the chief steward will be required to be active in dealing with grievances outside their bargaining unit.

**25.6.2** Union leave will be provided by the sector/local to chief stewards at those times when they are required to deal with grievances outside their bargaining unit.

### **25.7 IDENTIFYING POTENTIAL STEWARDS**

**25.7.1** SGEU supports the principle of having a steward body that is representative overall of the province's population and will develop and adopt an internal representative workforce strategy to enhance the recruitment and retention of equity stewards. This strategy would include:

**25.7.1.1** A campaign focusing on positive equity-group role models within the union: posters of equity-group stewards, profiles of them talking about why they took on the role, why they like it and why other equity-group members should become stewards.

**25.7.1.2** Steward recruitment drives at all equity conventions and SGEU conventions to encourage equity-group members to become stewards. This could include delivering steward training and dealing-with-conflict training at Women's and Human Rights/Equity conferences.

**25.7.1.3** "Job fairs" and targeted training for equity-group members interested in becoming stewards.

**25.7.1.4** Creation of an equity-steward support network for those who wish to shadow, consult with, or be mentored by other stewards.

**25.7.1.5** Support for and direction to chief stewards to recruit equity-group stewards, to fill vacant steward positions.

**25.7.2** SGEU shall develop a program to support women moving into chief steward and other roles, targeting sectors but applicable to all, which

may include fast-tracking women through Leadership Development Course training and providing access to mentors.

**25.7.3.1** The above recruitment strategy shall:

**25.7.3.1.1** Have as its guiding principles: provision of clear information about what the steward role entails; be the start of a comprehensive system of union support and engagement which includes education and protection of steward rights; emphasizes the collective good over individual good; and maintains and achieves a representative steward body.

**25.7.3.1.2** Encourage members of all equity groups and from all occupational groups and regions to run for elected positions, unless there is under-representation of a particular group that needs to be addressed by targeted recruitment.

**25.7.3.1.3** Be based on communicating the steward job description.

**25.7.3.1.4** Describe the role that union leaders, chief stewards, and stewards should play in recruitment.

**25.7.3.1.5** Prescribe how to and how not to recruit.

**25.7.3.1.6** Use as recruiters those stewards or chief stewards who have completed at least Leadership Development Course 20.

**25.7.3.4** Each sector/local shall assess the state of their steward system and develop a deliberate plan for steward recruitment to address both the need for a succession strategy and the goal of building a more representative steward body. An annual report of each plan shall be made to the President and Provincial Council to underline the importance of the activity and to allow for regular monitoring and support.

**25.7.4.1** Sectors/locals which, based on the results of their recruitment strategy, can demonstrate a need for fast-tracked steward training shall work with the Education Officer to have their steward-training needs met.

**25.7.5** SGEU shall undertake further research with Indigenous stewards to determine why they became/remain involved and with former stewards to determine why they stopped being a steward.

**25.7.6** SGEU shall regularly collect basic information about stewards as part of the steward registration process, including equity-group characteristics (gender, age, ancestry, disability), were they

elected or acclaimed, were they asked to run by someone, etc. At the end of each year, a database report shall be prepared and presented to Provincial Council and Convention so that the union can see how it is progressing in maintaining and achieving a representative steward body.

**25.7.7** Provincial Council and Membership Records shall be responsible for developing a process for efficient, effective, and accurate steward registration. The process should include a means to track down late or missing forms and the periodic provision of a steward list to each sector/local secretary for review and correction, if needed.

**25.7.8** SGEU will develop a set of steward-recruitment materials, including pamphlets, posters, and advertisements in union publications and on the web page. These materials are to be based on the core steward job description and will educate members about the volunteer role of steward and promote becoming a steward.

**25.7.9** Encourage chief stewards to play a role in identifying inactive stewards and determining how to support them. Supports could include encouraging them to take Leadership Development Course 10, 20, and 30 and provision

by chief stewards of short, in-house training sessions based on materials prepared by the union's education program. Such training courses could be delivered on a cross-sectorial basis, within a common geographic area.

**25.7.10** Sectors/locals will advise new stewards of who to contact if their chief steward is not responding to requests for help.

**25.7.11** Each sector will establish an organized system for identifying potential stewards from other areas of Union activity. Each sector will be provided with up-to-date lists of Occupational Health and Safety committee members who may assist in this process.

**25.7.12** Provincial Council develop a policy to allow workplaces and bargaining units to call on and utilize the special training of stewards from other sectors if no specialist is available within that sector or geographic area. (Article 25 New PC #2007-06-64)

## **25.8 STEWARD NETWORKING**

**25.8.1** SGEU foster more opportunities for stewards to network across sectors within the same geographical area for the purpose of mutual support, sharing problem-solving strategies, and socializing. (June

2007 Provincial Council, P-32)  
(Revised PC #2007-06-64)

## **25.9 BASIC STEWARD TRAINING**

**25.9.1** Chief Stewards and stewards shall complete the Leadership Development Course 10, 11, 20, and 30 as provided by the provincial Education and Publicity Committee within the time limits set out in Article 17 of the Policy Manual. Encourage bargaining units to amend their bargaining guidelines in keeping with the above to maintain consistency. (Revised PC #2007-06-64)

## **25.10 DEVELOPMENT OF EDUCATIONAL MATERIALS**

**25.10.1** SGEU shall maintain a Steward Manual to assist stewards and chief stewards. New stewards shall be provided with a Steward Manual upon registration. The Steward Manual will include the core job descriptions for steward and chief steward and further essential information to assist them in carrying out their roles, including the supports available to them from the union. The Steward Manual shall be reviewed at a minimum of every five years and updated if needed, and all stewards and chief stewards shall be provided with any revised materials. The

Steward Manual shall be the responsibility of the Education Officer and the Education & Publicity Committee. (Revised PC #2007-06-64)

**25.10.2** Effort will be expended on developing educational materials for stewards that can be used in one-half hour to one-hour presentations.

**25.10.3** To increase members' and stewards' knowledge of the steward role, SGEU shall develop a booklet containing all constitutional, policy, and bylaw provisions relating to the roles of steward and chief steward and the administration of same. This document shall be provided to new stewards upon registration and to Leadership Development Course 10 participants and placed on the SGEU web site. It shall be updated annually, as governing documents change. (Revised PC #2007-06-64)

## **25.11 CONDUCTING OF REGULAR MEETINGS**

**25.11.1** Chief Stewards will be responsible for conducting regular meetings with the stewards in their district for discussion, information exchange and skill development.

**25.11.2** Encourage chief stewards to set up regular gatherings of equity-group stewards and allies to discuss stewards' experiences with discrimination/harassment, with a goal to identifying effective strategies for resolution. (Revised PC #2007-06-64)

## **25.12 STEWARD APPRECIATION**

**25.12.1** Stewards are the backbone of the union. (Revised PC #2007-06-64)

**25.12.2** SGEU condemns the rate of discrimination and harassment that stewards face, both in the workplace and within the union, and commits to taking comprehensive action to address and reduce the occurrence, including reviewing SGEU's internal processes to ensure that members and stewards who experience discrimination/harassment within the union have effective avenues by which to seek redress. (Revised PC #2007-06-64)

**25.12.2.1** When an elected person is terminated or suspended for union activity, SGEU must advance the grievance through the grievance procedure and schedule the matter for arbitration within 6 months of the date the grievance was filed. (Res #P13 C-2010)

**25.12.3** SGEU recognizes that stewards are volunteers and supports their right to take a break from the role and in other ways set limits on how much union work they volunteer to do. The union shall communicate this position through information in the Steward Manual, in Leadership Development Course training, and the steward-mentoring program. (Revised PC #2007-06-64)

**25.12.4** Encourage chief stewards to periodically check in with their stewards about their workloads and stress levels, to reassure them it is acceptable to take a break, and to help them set limits on involvement if need be. (Revised PC #2007-06-64)

**25.12.5** Chief Stewards (or a sector/local executive member) will, when a steward is dealing with a particularly stressful case, rotate in another steward to take responsibility, on a temporary or permanent basis, to prevent steward burn-out. (Revised PC #2007-06-64)

**25.12.6** SGEU encourages stewards with disabilities to self-identify to the union and indicate what, if any, accommodation they need to assist them in performing their steward duties. SGEU is committed to providing reasonable accommodation where needed for stewards to

carry out their duties. (Revised PC #2007-06-64)

**25.12.7** SGEU shall increase the profile and appreciation of the steward role by ensuring annual funding for regular provision of steward pins, scrolls, appreciation events, and other acknowledgements of gratitude. (Revised PC #2007-06-64)

**25.12.8** The following policy will be implemented to show appreciation for the work of the stewards:

**25.12.8.1** Sectors/locals should sponsor at least one annual event for stewards - a dinner, picnic, luncheon, etc. (Art. 25 Revised PC Dec 03) (Revised Res # P-21, PC June 2006) (Revised PC #2007-06-64)

**25.12.8.2** Upon request by sectors/locals, SGEU will prepare scrolls for all stewards with five years of service and in five-year increments after that. (Res #P-21, PC June 2006) (Revised PC Dec 2006 -- Motion #2006-12-39-MCL-56) (Revised PC #2007-06-64)

**Each bargaining unit's bargaining guideline has well outlined process for steward election as guided by SGEU Constitution & Policy.**

# CHAPTER 3

## **Role of a steward**

Stewards play an important role in supporting and representing members. It is imperative that you understand your roles and responsibilities.





# Five specific roles of the steward

## 1. Negotiating

The primary negotiating task of a steward is the handling of grievances.

The steward as the negotiator:

WHAT YOU DO	WHAT YOU NEED TO KNOW
Settle grievances	Proper grievance handling
Screen complaints from grievances	How to analyze a grievance
Enforce the contract	Meaning of contract clauses
Monitor working conditions	Health and safety hazards and OH&S rules
Enforce labour legislation	Federal and provincial labour laws
Keep written records	All settlements reached. After the issue is resolved, send your notes to your LRO for filing in the union database.

To be a negotiator, you must:

- Check all available facts before taking an issue to management.
- Prepare your case so that it is clear, complete, and to the point.
- Be careful to observe all contract requirements on grievance handling.
- Be business-like, polite, and firm when dealing with a supervisor.
- Don't bully or threaten.
- Treat the other person with respect and expect to be treated in the same manner.
- Keep the grievor(s) informed as to the status of the grievance.
- Follow through all the way to the final settlement.

## 2. Leading

A steward must take the leadership role in their department. They need to set an example for other workers to follow. The steward must make decisions which uphold the terms of the CBA and the union constitution and bylaws.

The steward as a leader:

WHAT YOU DO	WHAT YOU NEED TO KNOW
Work for the group welfare	The long-range goals of the union
Fight for what is right	The consequences of your actions
Act promptly and decisively	That actions speak louder than words
Establish friendly relations	That the other person always has a point
Hold no grudges	That you can't win them all
Discourage factions and bickering	Why people disagree
Lead instead of drive	How to reflect your own style of leadership

To be a leader, you must:

- Know the facts, write them down, and if needed discuss with an LRO with the member's permission, respecting their confidentiality.
- Keep the people who are being affected informed on the course of action.
- Give credit where credit is due.
- Ask for advice and help. You can't know everything.
- Keep your word and deal fairly and impartially.
- Challenge discrimination, whether it is overt or discreet. Discourage prejudice of any kind.

### 3. Educating

A steward is responsible for educating the members in their department, both the old and the new, about the CBA, union policy, and law.

The steward as an educator:

WHAT YOU DO	WHAT YOU NEED TO KNOW
Keep members fully informed	That informed members are loyal members
Discuss and explain policies	What your union does
Clarify union objectives	Union history and achievements
Explain legislative issues	How laws are made and their impact on unions and members
Stress the importance of union meetings, elections, and events	Responsibilities of membership
Talk about the economic facts of life	How unions contribute to the economy

To be an educator, you must:

- Make person-to-person contact daily. Tell your story. Ask for ideas.
- Distribute union information and materials such as newsletters, meeting notices, and event information.
- Improve your own knowledge and understanding by attending classes whenever available
- and share this knowledge with your fellow members
- Keep your communication lines open — be open-minded, invite innovative ideas or suggestions, and be prepared for criticism, encourage full and open discussion.

# 4. Communicating

The role of communicator runs throughout every other role of the steward. Being a democratic institution, a breakdown in communication can seriously damage a union.

The steward as a communicator:

WHAT YOU DO	WHAT YOU NEED TO KNOW
Keep members informed about union policies and activities	Union policies and their rationale
Detect and stop rumours	Where the rumours started and why
Keep members informed about employer proposals and policies	That members will look to you for workplace information
Direct problems through the proper channels	Who has responsibility over the area in question
Use several methods of communication with members	Distinctive styles of communication
Encourage attendance and participation at union meetings	That the union meeting is democracy in action

To be a communicator, you must:

- Talk to the members daily about the union, ask questions, and listen to their responses.
- Become an active listener — it's one of the best methods to build solidarity in your union.
- Keep the union bulletin board updated. Use eye-catching flyers whenever possible.

## 5. Building solidarity

Building solidarity among union members is the responsibility of all union activists, whether they are sector leaders, local union officers, or stewards. A major task of the steward is to build solidarity among the members in your workplace or bargaining unit.

The steward as a builder of solidarity:

WHAT YOU DO	WHAT YOU NEED TO KNOW
Educate members about the benefits of unions	Your union's principles, values, structure, and union advantages
Greet new employees	The people who work in the area you represent as a steward
Increase membership participation	Dates and times of various union meetings and why these meetings are important
Combat anti-union activities	Who is dissatisfied with the union and why
Make daily contacts	Contact information of members under your jurisdiction, union officials, and SGEU offices.

To help build solidarity, you must:

- Respect the sincerity and opinions of every member.
- Respect diversity and ensure fair treatment to all.
- Protect the interests of the non-union worker as diligently as you defend the interests of union members.
- Recognize that your union is a voluntary association of members. Solid support can only be won through reason, persuasion, and effective representation.
- Be sure to meet each new hire on their first day (or as soon as possible) and go through the contents of the new member kit and CBA. These materials can be obtained from your LRO or chief steward. Be sure



members understand what it means to be a union member as many new members might not understand the path the union has travelled so workers can enjoy the benefits of today.

- Be consistent and persistent.
- Be active politically.

Encourage members to exercise their right to vote, and to vote for labour-friendly candidates.

- Encourage and support the union's efforts to organize those who don't currently belong to a union.

## Establishing yourself in the role of a steward

### Establish your position with members

Congratulations, you were elected! That means most members voting have faith in your abilities — but don't forget that you still must apply your skills and knowledge. Keep the lines of communication open between yourself and other union representatives.

If you've been elected as a steward for your workplace or bargaining unit, you will find it to be a rewarding experience to help others and be part of a larger union family.

For new stewards, the first few days on the job as a union representative are critically important. You must demonstrate to the membership that you can get the job done.

### Read everything you can related to your role as a steward

This includes:

- your CBA
- bargaining guidelines
- sector bylaws
- local bylaws
- SGEU Constitution and Policy
- SGEU website
- SGEU Employee and Family Assistance Plan (EFAP)
- SGEU Long-term disability (LTD) plan
- employer policies
- HR manual
- newsletters
- steward updates
- daily newspaper

## **Know your collective bargaining agreement**

A collective bargaining agreement (CBA) is a legal contract negotiated, agreed to, and signed by your employer and the union. The parties, both employer and union, are bound by law to abide by its terms and conditions. It is like a “rule book” that defines working conditions and sets out the rights and responsibilities of the employer and the workers.

Read your CBA each time a question or problem arises. Remember that a CBA violation (or breach of a work-related law) is the basis for all grievances. As a steward, you should:

- Read the entire CBA
- Discuss it with other union officers or your assigned labour relations officer (LRO)

Become familiar with the provisions of the CBA and understand how they apply to special conditions in your department.

## **Prepare to be tested by management**

Remember that if you are a new steward, management will often test you to see how well you represent the members. Expect to be tested. Don't get angry or frustrated. Management needs to learn the boundaries of how you will represent members.

## **Be sure members understand what it means to be a union member**

When they are hired, new members are often given extensive orientation from management but may not be exposed to the union view. Not realizing the struggle that went into winning these gains, many new workers may believe that the wages and conditions they enjoy come from the goodness of the employer's heart.

Get to those new members early. Even if they are on probation, a friendly piece of advice and support will be long remembered.



## Represent the members

Always treat the members with respect and dignity. Work with the members. Working together is a sign of empowerment and shows the strength of the union as a collective force. The operative word is always “we” not “I.” The word “they” is always reserved for management, not the union. If you genuinely believe that the union is not simply a servicing center for the membership, then these terms should become second nature. We all have opinions and beliefs that are typically shaped by our cultural backgrounds, education, and life experiences. As stewards we must ensure that these perceptions do not interfere with our ability to represent members fairly.

## Always be honest with members

At times, you will have to ask members tough questions or break unwelcome news to them. Be compassionate, clear, and honest. Sometimes you will have to say “no” to a member’s request, and then explain to the member why. Have a reason for the decision and provide an alternative strategy for the member if the situation merits it. Let the CBA be your guide.

Keep favouritism out of the grievance procedure and avoid letting your personal feelings about a member cloud the way you represent them. Do you have strong religious, political, or other beliefs that may cause you to view people or their behaviors in a particular way? What about any negative experiences you may have had that may cause you to see certain people in a bad light? Be mindful of how your beliefs, experiences, or prejudices can cause you to be biased against your coworkers. Identify anything that you think might cause you to treat someone differently.

## **Avoid bias**

Fair representation is a basic principle of unionism.

To make sure you remain unbiased, do the following:

- When investigating a complaint, review your notes and ask yourself if you have misunderstood the situation or rejected some of the facts because they are outside of your own experience.
- When a member asks to meet with you about an issue, ask yourself if you can listen with your full attention and not judge the outcome because of the member's past behaviour.
- When asking for member feedback or spreading the word about an upcoming union event, think about who you'd typically contact and whether some groups are regularly left out.

## **Maintaining confidentiality and privacy**

Members need to feel confident that any personal issues they raise with their steward won't end up in the coffee room the next day. Maintaining confidentiality means only discussing details of a member's concern or grievance with others who have a legitimate need to know: your chief steward, other stewards, bargaining unit leaders, your LRO, employer representatives, and fellow employees who may be negatively affected.

To maintain the member's privacy, your notes and all related documents should be submitted to the SGEU office as soon as a grievance has been filed. Documents and thorough notes can assist the LRO to build the case and are significant within your steward role. All notes should remain confidential and should be forwarded to the LRO as soon as possible.



## Role of a chief steward

You are a workplace leader who represents SGEU, coordinates stewards, and enforces the CBA. You work collectively with stewards, SGEU staff, and other elected leaders in your bargaining unit and with management on behalf of the union. As chief steward, you fulfill the duties of a steward, but also work with other stewards in your workplace/zone to execute the following:

## Communication

- Encourage stewards to approach you with questions about processes and contract interpretation, and with reports of workplace conflicts and issues.
- Advise stewards and members about union activities and advise bargaining unit and sector leaders about workplace developments.
- Ensure new member orientations are occurring as needed
- Ensure you have a strong relationship with the assigned SGEU LRO.
- Inform stewards and members of any changes in the CBA or in the interpretation of the CBA, and of relevant arbitration decisions.
- Be accessible to your stewards by telephone, email, or in person.

## Conflict Resolution

- Assist in resolving conflicts between members and stewards or between members and the employer.
- Be knowledgeable about both workplace and union harassment policies and procedures.
- Encourage stewards to talk to you when they encounter harassment in the union or in the workplace, and work with them and/or the SGEU LRO to resolve the problem.
- Hold regular meetings of all stewards. Topics should include current workplace issues, barriers facing equity-group stewards, discrimination/harassment of stewards in the union and the workplace, effective representation, and strategies to address issues.
- Work to dispel rumours.

## Leadership

- Promote maximum involvement of members in union activities, especially within the collective bargaining process.
- Delegate duties to stewards (and to panel representatives where relevant).
- Call and chair regular steward meetings to share information, identify best practices, and review grievances and other workplace issues.
- Coordinate other meetings when necessary, such as membership meetings, lunch and learn sessions, or union-management committee meetings.



## Grievance Co-ordination

Assist stewards in the resolution of complaints and grievances in your zone, considering:

- Stewards' specialized knowledge or requirement of additional knowledge.
- The opportunity for new stewards to gain experience through job shadowing.
- The need to prevent steward burn-out.
- The need to respect members' rights to work with the steward.
- How to assist stewards, in writing and investigating grievances, and in investigating and deciding whether a complaint is a grievance.

In communicating with your LRO, keep track of filed grievances and ensure the necessary tasks are completed. Be sure to:

- Guide stewards to fully investigate grievances, identifying any violations of the CBA and/or any laws, before being filed.
- Educate stewards on the union's internal appeal processes.
- Ensure contract enforcement by not agreeing to any deal that violates the CBA or other rights defined by law.
- Challenge violations of the CBA and other rights defined by law.

## Recruitment

- Actively recruit new stewards with the goal of achieving a representative steward body in SGEU. Refer to your bargaining guidelines to understand the steward election process (when does election happen, call for nominations, prerequisites etc.).

## Educating new stewards

- Encourage stewards to take appropriate leadership development training provided by the union.
- Update stewards about education opportunities.
- Encourage stewards to set appropriate limits for themselves to prevent stress and burn-out.

## Mentoring and Training

- Ensure you are familiar with your CBA, related legislation, workplace policies and procedures, SGEU policies, steward manual, union resource material, and union staff and officers who are there to assist you in your work.
- Complete training as set out in SGEU policy.
- Orient new stewards and support them to meet the expectations set out in the steward job description.

## Administrative duties

- Ensure elections are held for stewards and for occupational health and safety committee members.
- Ensure that stewards are registered with SGEU membership records after each election.
- Ensure distribution and posting of union information within your zone.

## CHAPTER 4

# **Rights and responsibilities**

Union stewards represent the members in their workplace, bargaining unit, or other assigned areas. They interpret CBAs, advise employees on contract provisions, confront employers over safety issues, and represent employees in grievance proceedings.

A steward's job is important and exciting. Your position, however, is not without its perils.

To be effective, you must protest management's actions when they violate the CBA, make arbitrary or unfair decisions, or threaten the health or safety of their employees. Raising these issues with management may create conflict with them. To prevent reprisals and to gain management's respect you must be well prepared. Your most valuable tools are your ability to anticipate perceived reprisals and maintain union solidarity along with your understanding of contract and labour law rights.



## STEWARDS' RIGHTS ARE DETERMINED BY THREE BASIC FACTORS:

- **Union solidarity**

This means the members you represent are unified and understand the importance of the problem you are trying to solve.

- **Contract rights**

A strong CBA forbids discrimination against union activities and guarantees time for union business.

- **Labour law rights**

Federal and provincial labour laws prohibit interference with legitimate union activities, protect stewards in presenting grievances, force employers to supply grievance information, and require employers to bargain or negotiate with the union before making changes that affect employees.

## Welcoming new employees in the workplace

A significant part of your role is to help members feel welcome in the workplace and knowledgeable about how the union can assist them.

The new hire is going to be thinking about many things:

- Should I really be here?
- What's expected of me on the job?
- Can I do the job?
- How will the other workers accept me?
- Where did they say the rest rooms and vending areas are?
- What should I remember about what the boss told me?
- Who is my union rep?
- What does it mean now that I'm a member of SGEU?

The first day is when the new hire needs a friendly welcome. Many CBAs have a negotiated time for new member union orientation. If you have these provisions, check with your supervisor and work out a time to meet with the new union member.

## **TIPS FOR FACE-TO-FACE MEETINGS WITH NEW EMPLOYEES**

- Introduce yourself. Make eye contact. Do not contact an employee during normal work hours — catch them during break, lunch, or before or after work.
- Be yourself. Smile, relax, and use the kind of language you use every day.
- Give them the new member orientation material or leave it with them to break the ice.
- Be frank. If you get a question that you can't answer, don't try to bluff. Tell the person you will investigate it for them – and then follow up by doing so.
- Don't preach. You should talk about the issue to help lead the person to their own conclusion. This is a much more effective approach than a hard sell.
- Listen to what the member says — it will give you insight into their particular concerns and objections. Sometimes the best way to convince a person is by listening and letting them know that the union cares what they think.

## TOP 5 THINGS A STEWARD SHOULD REMEMBER:

### 1. Make sure you meet deadlines

The CBA provides deadlines for things like filing a grievance. If the deadline is missed, you will not be able to proceed with the grievance. Keep a calendar diary with dates clearly marked so you don't miss deadlines. If you need more time, ask for an extension from management and get it in writing.

### 2. Always get back to the grievor

If the issue is not grievable under the contract, see if it can be resolved in another manner. If not, tell the member that the issue cannot be written as a grievance, and give them the reasons.

### 3. Write concise grievances

Grievances should be short and sweet. Your grievances should identify the grievor, outline the problem in a sentence or two, state what article of the contract is being violated, and indicate how you want the problem to be remedied. Save the arguments for the meeting. Remember, your grievance becomes evidence.

### 4. Prepare the grievor

Go over the details of your case and your arguments with the grievor and prepare them. Be able to decide on your best evidence and the best strategy. Role play with the grievor so they feel comfortable and prepared. Don't wait until the grievance meeting to prepare the grievor for what to expect.

### 5. Anticipate potential problems

Problems can often be resolved before they explode into grievances. Members may not be as familiar with contract violations and grievable issues.



## CHAPTER 5

# Policies and regulations governing a steward's role

### The Duty of Fair Representation

All members have the legal right to fair treatment from the union and its representatives. "Fair representation" means that as a steward you should represent all union members fairly and honestly. Keep in mind that issues that seem unimportant to you may be extremely important to someone of another culture, race, sexual orientation, gender, or ability. The Duty of Fair Representation (DFR) does not mean that unions must take every grievance through to arbitration. It means you must judge a grievance on its merits, not on your opinion of the grievor.

Investigate every complaint thoroughly. Keep accurate records of the complaint, grievance investigations, and meetings with management. Make sure that all your notes

and all related documentation are forwarded to your LRO if a grievance is filed. Make sure to:

- Maintain the timelines set out in your CBA for filing and advancing grievances.
- Keep the member informed. If the union proceeds with a grievance, update the grievor about the steps that the union is taking to handle the case. Involve them in collecting information and depending on the situation perhaps ask them to be with you when you talk to other workers who may have relevant information regarding the case.

When you are unsure of something, always contact your chief steward or LRO.

## 3 MAIN STANDARDS USED BY THE LABOUR BOARD TO DECIDE IF THE DFR HAS BEEN VIOLATED:

### ● Is it arbitrary?

A steward's actions are arbitrary if they:

- Do not consider the merits of the grievance or complaint
- Do not conduct a meaningful investigation
- Ignore relevant information or consider irrelevant factors

### ● Is it discriminatory?

- Discrimination occurs when a steward or the union treats a member differently than others, without valid reasons for doing so.
- Treating one worker differently from another because of race, age, national origin, religion, sex, sexual orientation, or union membership is discrimination.

### ● Is it in “bad faith?”

“Bad faith” may be proven if the steward:

- Acts based on hostility or ill-will or deals dishonestly with a member
- Conceals information or lies to a member
- Acts based on a grudge or a personal dislike or to get revenge.

## CODE OF ETHICS

All elected officers, including stewards, are expected to follow the union's code of ethics. To ensure that these standards are upheld, SGEU has adopted the following standards for its elected officials:

- In all aspects of union activity, conduct themselves in accordance with union policy and in a manner which reflects well on SGEU and its membership.
- Become knowledgeable about the internal structure of the union and the applicable CBA.
- Enforce the CBAs of the various bargaining units in SGEU, and accept no less than the negotiated provisions for the members.
- Always represent the members without personal bias or discrimination, and observe confidentiality when dealing with sensitive matters regarding membership servicing.
- Attend all functions, meetings, and training when called upon by the union, as directed by the bylaws, bargaining guidelines, policies, and constitution.
- Always reflect the official union policy when dealing with management.
- Discharge duties in the best interests of the membership, without consideration for personal gain, and refuse all gifts, gratuities, and favours.
- Shall work at all times within the union structure when expressing disagreements or criticisms about the internal workings or policy of the Union, other union members or the paid staff of the Union.

Failure to comply with the code of conduct may be grounds for disciplinary action as outlined in the SGEU constitution.



## A member's right to have a steward present

Make sure members know that when management begins to ask them questions that could lead to disciplinary action, they don't have to face it alone. A steward can serve as a witness to prevent management from giving a false account of the conversation.

Many people find it hard to speak under pressure. A steward can help a member explain things, help them keep their cool, and remind them that they aren't obliged to provide details that are not relevant to the questions being asked.

If a member does not insist on having a steward present, they cannot challenge discipline taken against them later on, on the grounds that they didn't have a steward present.

Once a member has asked for a steward, any attempt by management to continue asking questions before a steward gets there is typically outside of managerial rights. Unless the CBA clearly states

otherwise, the employer is

under no obligation to tell a member about their right to have a steward present. Some CBAs require the employer to provide notice of a member's right to have a steward present at disciplinary meetings while other CBAs do not require this.

### Know the limits!

Just as it's important for a member to know what their rights are, it's also important for them to know the limits of those rights.

A member is not entitled to have a steward present every time a supervisor wants to talk to them, however, you should be present during discussions that could lead to discipline. If a member is called in to the supervisor's office for an investigation, although a member can't refuse to go without their steward, they can refuse to answer questions until you arrive.

## CHAPTER 6

# **Understanding collective bargaining agreements (CBAs)**



## Reading CBAs

Keep in mind the need to read the CBA from two perspectives:

**Bird's-eye:** The CBA needs to be read as a whole document, including the Letters of Understanding (LOU), if any. It's good to get into the habit of looking through the whole contract each time you have a question. Something might not stand out for you until you're reading the related clauses with a specific topic in mind.

**Close-up:** Each relevant clause is made up of different phrases that describe what, when, and how. You need to be able to break down the clause to identify all the factors that determine whether the clause applies to the question.

## Interpreting CBAs

Contract clauses can be interpreted in different ways so if you're dealing with a clause for the first time, check with other stewards, your chief steward, or your LRO.

Words and structure have meaning — they provide the context for interpretation. The following guidelines are not firm rules for interpreting a contract, but they summarize the most common ways that interpretations are made. There will always be exceptions, but most of the time these guidelines will help you correctly decide whether you have a grievance under the CBA.

### Definitions are good starting points

Definitions are more than a good starting point — they are key as they reflect the way the parties to the agreement expect the term to be used.

Definitions in the agreement show the specific meaning that the union and employer agreed to give to certain words. Definitions that appear at the beginning of the CBA can be used to interpret any provisions in the body of the agreement unless a specific definition or exception is noted. Some definitions are contained within a particular section or article (at the beginning or end) and are intended to apply to that particular section or article. Give words their ordinary, every-day meaning if they are not defined.

In a CBA, every word has assumed meaning. In the event a word has conflicting interpretations, arbitrators and adjudicators use certain principles to resolve the problem:

- Special or specific provisions will prevail over general provisions.
- Where a definition conflicts with an operative provision, the operative provision prevails.
- Where the same word is used twice, it is presumed to have the same meaning.
- Two different words have different meanings.
- Where there is a conflict between a previous and a subsequent reference, the previous reference may override the subsequent unless this conflicts with the real intention of the parties.
- Words defined in the agreement take their meaning from that definition.
- Words and expressions defined by reference to a statute take their meaning from that statute.
- Headings, preambles, and general-purpose clauses are guides to interpretation.
- General words or phrases take their meaning from both the preceding and following specific words or phrases.
- Words are to be read in the context of the sentence, section, and agreement.

The choice of words is particularly important. For example, where the agreement indicates that the employer “may grant” something, the employer has latitude either to grant or not grant the employee’s request, however, the employer would still have a requirement to appropriately review the request. If the agreement indicates that the employer “shall grant” something, they are obliged to do so.

If two operative phrases are joined by “and” the parties must comply with both parts, however, if the phrases are joined by “or” they only comply with one or the other.

In no case can an employer be completely unreasonable. There is an inherent responsibility for an employer to act fairly. All employer decisions on matters within the CBA must be reasonable. The employer may be given a wider latitude, but their decisions cannot be discriminatory, arbitrary, or in bad faith.



# CHAPTER 7

## **Grievance handling**

What is a grievance? It's important for a steward to know the answer to this basic question.

A member has an incident, an event, or an issue and then asks a steward to file their grievance. A steward should not respond immediately by saying yes, without first looking into the situation.

It's crucial to review the grievance procedure outlined in the CBA to ensure you know the timelines for filing a grievance.

In some CBA's certain types of grievances need to be filed within a different timeline than outlined in the general grievance procedure. A good example of this is staffing/appointments. Be sure to read the article pertaining to the issue you are grieving so that you understand the associated timelines.

If the member comes to you with a grievance that must be filed in the immediate future, you may need to request an extension with the appropriate employer representative.

If the employer agrees to the extension, the agreed upon deadline must be adhered to. If the employer denies the request, the grievance must be filed within the timeline indicated in the CBA/ grievance procedure. Document all correspondence and submit it to SGEU once a grievance is filed.

## Is this a grievance?

For there to be a grievance there must be a violation of the CBA or legislation. In some instances, past practice and employer policy may also be grieved.

### Violation of contract

Is there a specific clause in the contract that has been violated? Is there more than one? It may be clearly stated in the contract or the CBA may need to be interpreted. Use the definitions provided at the beginning of the CBA. Remember to read the article as a whole — you may also need to read the whole CBA to ensure the employer has acted inappropriately. It is good practice to ask the chief steward, negotiating committee, and/or LRO for assistance if you are unsure.

### Violation of law

Has the action of the employer violated law/legislation? Legislation such as *The Saskatchewan Employment Act* or the *Saskatchewan Human Rights Code* may be referenced within the CBA. Some legislation may not be referenced but your workplace may be required to follow it. Be sure to review the legislation as part of the investigation and reach out to an LRO for advice.

### Violation of past practices

For something to become a past practice it must be the customary way of doing things in the workplace that is accepted by the employer and the union but is not spelled out in the CBA. Before filing a grievance on past practice, contact an LRO.

## Disciplinary and non-disciplinary grievances

### Disciplinary grievance

Disciplinary grievances are filed when disciplinary action is taken against a member. Figuring out if there is just cause for the discipline is the first thing to identify. If the CBA includes language about informal grievance meetings and meeting with management, this can help determine whether the discipline against your member is grievable.

### Disciplinary grievance checklist:

- ✓ Was the nature of the offence serious?
- ✓ Did the employer follow progressive discipline?
- ✓ Is there just cause?
- ✓ Was the discipline excessive?
- ✓ What is the employee's past work record?
- ✓ How long have they been employed at this workplace?
- ✓ What is the employer's past practice?
- ✓ What is the employee's past conduct?



## EXAMPLES OF GRIEVANCE ISSUES:



### Financial

- Wrong wage or salary rate
- Annual or scheduled increment missed or delayed
- Shift differential not paid
- Overtime or pay for work performed on days of rest or holidays not paid
- Call-in or standby pay not paid



### Disciplinary

- Penalties without just cause
- Unfavorable performance evaluations (check the contract to see if it permits grievances on performance evaluations, discharge, or termination)



### Staffing

- Violation of seniority clause through improper transfer or promotion
- Improper lay-off or recall
- In-scope work being posted as an out-of-scope job
- Temporary assignment or performance of higher duties



### Physical working conditions

- Unsafe or unhealthy working conditions

For more information on disciplinary grievances go to Chapter 10.

## Harassment

Has the employee filed a harassment complaint? If not, direct them to follow the harassment process/policy. If a complaint was filed, was the harassment process/policy followed? Were there flaws in the process such as a faulty investigation or bias? Normally a grievance relating to harassment would only be filed where there is a fault in the process. Where discipline is a result of harassment, ensure the process was fair.

There will always be exceptions to the norm — if there is any uncertainty, seek advice from the chief steward, negotiating committee, and/or LRO.

For more information on harassment go to Chapter 11.

## Grievance investigations

If a steward properly investigates the initial stages of a grievance it creates a powerful base for the remaining grievance procedures. Interview the member, listen patiently, and ask specific questions. Make sure everything is documented.

### The grievance interview — interviewing the member and any witnesses

The key to good grievance handling is a proper investigation, and that process should start with interviewing the member who comes to you with a problem. Based on this key interview, you will make several important decisions such as what to do with the problem, whether to investigate it further, and how to resolve the issue.

We all know that most work problems are not simple. To get at the heart of the matter, the steward must speak with the member and find out exactly what happened.

## ASK AND ANSWER THESE 4 QUESTIONS

### ● Who is involved?

- Name(s) of the worker(s) and the basic work information about the member(s) such as department, shift, job title, seniority, employee number. Most of this information will also be needed for the SGEU Issue/Grievance Preparation Form.
- Who witnessed the incident or who else was involved? Was anyone from management involved?

### ● When did the incident occur?

- Get dates and times as accurately as possible.

### ● What happened or didn't happen?

- What did the member do? What did management do? What happened in the past?

### ● Why did the incident occur?

## **TIPS FOR GRIEVANCE INTERVIEWS**

### **BE PATIENT**

The member may need to calm down before they can give an accurate account of the incident.

### **ALWAYS TAKE COMPREHENSIVE AND ACCURATE NOTES**

Your notes can be critical to the outcome of a grievance. Taking notes also conveys to the member that their concern is being taken seriously. Some information may not seem important at first, but could become crucial to the case later on.

### **USE THE SGEU ISSUE/GRIEVANCE PREPARATION FORM**

This document will help to complete a full investigation of the matter and will remain on file at the SGEU office. In the event the grievance is appealed to a higher level of the grievance process, the investigative work will be preserved for other union grievance officers.

### **LET THE MEMBER TELL THEIR STORY**

Make sure that you take enough time with the member. Listen to what they say without giving an opinion or making empty promises. Let them tell the whole story, taking notes so that you can follow up on specific details later. Alternatively, get them to write a detailed account of what happened. Question any witnesses where appropriate, using the same techniques.

### **THINK ABOUT THE SOLUTION**

How should the issue be resolved? During the course of the initial interview, a solution to the problem or complaint may arise. Prepare for the possibility of a full-blown grievance. Begin to think about the remedy you will seek to correct the injustice.

### **ASSESS THE INFORMATION**

Review all the information you have compiled. Can you prove that there is a violation?

## When a complaint is not a grievance

Not all problems can be resolved through the grievance process. If the employer has not violated anyone's rights under the CBA or provincial or federal legislation, there is no grievance. But that doesn't mean that the union should ignore the problem. It just means that we must use other tools to address it.

The following types of complaints are not considered grievances:

### **Complaints against management that don't violate the CBA.**

It still may be possible to remedy these complaints by informal discussions between the union and the employer or through collective action.

### **Complaints about government agencies and local bodies.**

If the complaint affects several people in your workplace, community, or bargaining unit, there may be a role for the union to play in working towards changes in laws and regulations. Bring these complaints to the attention of union leadership and to other community and labour organizations. If it is an individual issue, refer the member to a community agency or advocacy group.

### **Complaints about fellow members.**

Encourage members to first express their concerns directly to the co-worker involved in the situation. These situations require a lot of tact and diplomacy on your part. This sort of complaint may become a grievance if harassment is taking place and if the employer fails to act or to follow the harassment procedure.

### **Complaints against the union.**

A member may be unhappy because their complaint can't be dealt with through the grievance process, or they may object to a decision or action by the steward or union representative. It is up to you to explain to the member what their rights are under the union's constitution. Remember to treat each member fairly. To be on the safe side, discuss any complaints with the chief steward or LRO.

**Personal troubles and requests for advice.** When a member speaks to you about a confidential matter, treat them sympathetically and refer them to the appropriate channel. Become familiar with the Employee and Family Assistance Plan and know the names of local agencies that provide counselling, addictions treatment, and other social services.

**Please don't file a grievance without consulting with your chief steward or LRO first.**

**What should you do when the issue is not a grievance?**

- Be upfront with the member that their issue isn't grievable under the CBA and explain why. Explain what the process can achieve and what it can't. Talk about the bottom-line issue of justice for all members.
- Deliver the news directly and sympathetically.
- Present the notes about the decision at the next steward meeting. In the event that the member tries to pursue the grievance with another steward they will be aware that the member's concern has already been addressed.
- Try to resolve the issue in other ways. If the issue is serious enough, discuss it with other stewards, your chief steward, or an LRO to come up with a strategy to deal with it.

Explaining to a member why their issue is not grievable is one of the toughest responsibilities a steward can face. Taking time to listen, demonstrating concern, and trying to resolve the issue by other means will go a long way in helping the member understand the situation.

**What to avoid when the issue isn't a grievance**

What happens when we do all we can, but the problem is not a real grievance? It's happened to all of us. Your co-worker — someone you've worked with for ten years — asks you to file a grievance that just isn't a grievance. What do you do?

Let's start with what you shouldn't do. Don't file the complaint or issue if you know it isn't really a grievance. If you do, you are transmitting the wrong message.

The member thinks you can achieve something with the grievance procedure that it isn't designed to do. It damages your credibility with management. Part of the goal of grievance handling is to resolve problems, and grievance resolution needs the cooperation of both sides. You do not want your judgement to be called into question when presenting other grievances.

## Handling grievances

Your ability and credibility are the strongest attributes you possess for doing your job in a fair and professional manner.

Remember, a grievance is a violation of one or more member's rights on the job by the employer or their representative. It can be a violation of the CBA, of provincial or federal law, or of the employer's rules or policies. This is why it is important that you discourage a member from discussing a grievance with management or processing their own grievance. It is equally important that if a member has an obvious grievance but does not want to file it, you find out why.

Stewards should do the talking at the grievance meeting. You can tell the member what to expect and prepare them for the meeting. Stop the meeting at any time to regroup and cool things down if necessary.

Once a grievance is filed, decisions about the handling of the grievance are made by SGEU, not by the grievor(s).

# CHAPTER 8

## The grievance process

### Writing a grievance

One of the most difficult responsibilities for any steward is writing a grievance. Many of our contracts direct the steward or union representative to write the grievance on behalf of the member, allowing the union to track the issue and control the grievance procedure.

### What are the three types of grievances?

INDIVIDUAL	GROUP	POLICY
A dispute affecting only one member seeking an outcome that will resolve the dispute for that member.	Involves multiple members in a common dispute; these grievances seek an outcome that will address the issue for all members involved.	Filed by a bargaining unit seeking a resolution that will affect all members in a segment of the bargaining unit or all members in the entire bargaining unit.



## CRITERIA USED TO DETERMINE IF A GRIEVANCE EXISTS

The member may need to calm down before they can give an accurate account of the incident.

An action or decision is grounds for a grievance if it:

- Violates the CBA
- Wrongly interprets a clause in the CBA
- Violates a federal or provincial labour law
- Violates the employer's own policies
- Violates a worker's right to natural justice (which guarantees a fair hearing before a worker faces negative consequences)
- Violates past practice

NOTE: not all workplace issues are appropriate subject matter for a grievance, even if a member has a legitimate complaint. Some issues may need to be directed to external bodies such as the Saskatchewan Human Rights Commission or the province's Occupational Health and Safety Division.

## **Your CBA guides the grievance procedure**

The first step of the grievance process is an informal meeting with the member, steward, and first-line supervisor. Your goal is to settle issues early. Use the Grievance Preparation Form in the Grievance Preparation Package when interviewing the member to establish a foundation for the grievance.

When you meet with the supervisor for the first grievance meeting, take notes. If you are unable to resolve the issue at this meeting, you may want to speak to your LRO before filing a formal grievance to confirm it is a grievance .

If there is no grievance, be honest with the member and explain why the issue is not grievable under your agreement. Keep the lines of communication open with other stewards so that they are aware of the issues. You don't want your fellow stewards to be unaware of your decision and to duplicate any work you have already completed.

If the grievance is dismissed at this informal stage, then it is time to write a formal grievance. Depending on your CBA, filing a grievance is considered STEP 1. Complete the Grievance Claim Form and submit the

white page to the out-of-scope manager. The pink copy is for the steward's records and the yellow copy is sent to the union office.

The out-of-scope manager must respond to this grievance in writing to the assigned LRO within the allotted number of days stipulated in your CBA. If the employer doesn't respond or the response isn't favourable, the LRO will move the grievance to STEP 2 by requesting a formal meeting with higher-level employer representatives to discuss a potential resolution to the grievance and put their position in writing.

If no written response is received or if the grievance is denied, the grievance is moved to STEP 3 where the LRO and the bargaining unit's grievance or negotiating committee review the grievance and provide a recommendation whether to proceed. If the decision is to halt the grievance, the member(s) involved can appeal the decision. If the decision is to proceed to third party resolution, the LRO will determine the best process for the grievance, potentially taking the grievance to arbitration. See Chapter 10 for details on this process.

## Be timely

Time is of the essence in the grievance process. You need to file the grievance within the timeframe stipulated in your contract. It is important to be aware of contract language. For example, working days and calendar days are different. Filing a grievance after learning of an incident is different from filing after the date of the incident. Be aware of timelines and mark deadlines on your calendar for follow-up.

The time limits set out in the CBA can only be extended by mutual agreement. Representatives of the employer and the union must agree to the extension in writing.

## Be brief

When writing a grievance, be brief and stick to the basic information. Provide enough information to identify the grievance so management understands the problem, what violations have occurred, and how the problem can be resolved.

You are not obligated to tell management the results of your investigation of the grievance. Don't do their work for them.

Do not include the union's arguments, evidence, and justification for its position. That information can be reserved for the grievance meeting. Avoid personal remarks. Ensure statements are the position of the union, not opinions. Opinion phrases to avoid include "I think" or "I believe."

When stating why there is a grievance, use phrases like "management's action is in violation of the contract including Article VIII, Sections 4 and 5." The use of the word "including" allows for the possibility that there could be other violations.

## The remedy

You need to provide a remedy in every grievance. By filing a grievance, you are demanding that management make right on an injustice. Be clear with what you are asking for.

When you write your remedy, don't limit it. In grievances that involve money, benefits, or protests of discipline, use the phrase "the grievor should be made whole in every way including ..." Then ask for what you want by filling out number 11 on the Grievance Claim Form.

The general phrase "made whole in every way" means that the grievor should receive all losses due to management's action. The word "including" allows you to add specific remedies later in writing or in oral discussion with management.

Using the phrase "made whole in every way" does not mean that management or even an arbitrator will search out the specific benefits management has denied your grievor. It is your responsibility to list verbally or in writing any remedies not noted in the original grievance.

Keep the grievor up to date on the process of the grievance. Your job doesn't end when the form is filed.

## Can a steward withdraw a grievance after it is filed?

Once a grievance is filed, it becomes the responsibility of SGEU. The decision to withdraw a grievance must be made by the member(s) involved in the grievance or by the LRO assigned to that grievance. The member may appeal the decision using SGEU's grievance review process.

If a member decides to withdraw a grievance they initiated, their steward should direct them to give written notice of their decision to the assigned LRO. The steward may also provide this written notice on behalf of the member.

A steward should never cease working on a grievance until it has been formally withdrawn. Doing so is considered abandonment and is grounds for SGEU to face charges failing its duty to represent its members.

## Meeting with the employer

Keep a united front when meeting with the employer — that means not arguing or disagreeing with another union representative in front of them. Decide on the union's position beforehand. If problems arise, ask for a break to collectively decide how to move ahead.

If the employer proposes a compromise, check with the grievor and the chief steward or LRO before agreeing to it, particularly if the employer says they want any allegations of discrimination dropped from the record. All agreements will be made “without prejudice” to another member's right to grieve a situation.

## Recap

If a member comes to you with a complaint that could be grievable, investigate it quickly and professionally. Resolve the issue in the quickest and fairest way. Don't make the member wait unnecessarily for an answer. Tell them you will get back to them with an answer and then get back to them. If the issue is not grievable, see if there is another way to resolve it.

## Grievance wording samples

### Sample one:

- Statement of grievance, including but not limited to: I hereby grieve that the employer suspended me for three days without pay.
- This is a violation of my rights under the CBA, including but not limited to Article: [number and name of relevant article(s)].
- Settlement sought, including but not limited to: full redress including removal of any mention of the suspension from my personnel file, payment of all wages and benefits lost because of the employer's action, and to be made whole in all respects.

In cases of discipline, the statement should be worded "unwarranted discipline" not excessive. If you say excessive, you can't argue that the member should not have had any form of discipline.

## Sample two:

- Statement of grievance, including but not limited to: I hereby grieve that the employer refused to pay me the shift differential for time worked on June 3, 4, and 5 of this year.
- This is a violation of my rights under the CBA, including but not limited to Article: [number and name of relevant article(s)].
- Settlement sought, including but not limited to: full redress including payment of the shift differential as required under the CBA and to be made whole in all respects.

The grievor(s) must sign the grievance form after the steward has prepared it. Make sure a complete list of names and contact information is attached to all copies of the form.

Make sure the grievor(s) understand(s) that by signing the grievance form, they also agree to give SGEU representatives access to their personnel file as needed to successfully act.

## Common grievance types

For each of the common grievance types make sure the following points have been researched and recorded on the SGEU Issue/ Grievance Preparation Form.

### Overtime

- Overtime and work on statutory holidays
- Grievor's shift or work group
- Date and shift when overtime was scheduled
- Classification scheduled for overtime
- Name, seniority, and classification of employee who did work overtime
- Actual work performed
- CBA articles violated

### Job posting

- Grievor's previous classifications
- Date of promotions (if any)
- Grievor's experience in vacancy applied for
- Name and seniority of employee awarded job
- Number of posting and grievor's application
- CBA articles violated
- Panel rep's name and report (if applicable)

### Temporary promotion

- Grievor's qualifications and exact details of present work
- Classification of temporary promotion
- Time of promotion
- Availability of grievor at time of promotion
- Name and seniority of employee promoted
- Instructions to grievor (if any)
- CBA articles violated

### Demotion

- Grievor's qualifications
- Classification demoted to
- CBA articles violated

### Vacation

- Dates and amount of time requested
- Grievor's vacation allocation
- Reason for denial or cancellation
- Names and classifications of junior employees granted vacation (if any)
- Number of employees in work group
- CBA articles violated



## Discipline and dismissal

- Employer's explanation of just cause for action.
- Was a steward present at the meeting(s) where discipline was discussed and handed out?
- Complete statement of events leading to discipline.
- Dates and times of relevant events.
- Grievor's record (good or bad, long or short)
- Did the employer ask if grievor is having any personal or health problems?
- Did the employer probe about any extenuating circumstances?
- Did the employer assess the personal characters of all the people involved?
- Did the employer discuss the consequences of the penalty?
- Did the employer consider whether the "punishment fits the crime?"
- In cases of dismissal, did the employer advise the grievor to seek employment while waiting for an outcome of the grievance procedure?

# 10 TIPS FOR PRESENTING GRIEVANCES TO THE EMPLOYER

- 1.** Prepare the case beforehand.. Try to talk to the member alone before you meet the supervisor. Talk the case over, if necessary, with other stewards or representatives and an LRO. Organize and understand your notes to guide your presentation. Be confident. Anticipate the employer's argument and have your answers ready.
- 2.** Once you are in the meeting with management, maintain a united union front. If you and the member have a difference of opinion during a meeting, take a recess and iron the problem out in private. It does not look unprofessional to call a short recess. If the greivor looks as if they are damaging the case, stop the meeting and ask for a short break until things calm down.
- 3.** Avoid getting side tracked or led off topic by the employer — insist on discussing the issue raised by the grievance only, nothing else. Take notes during the meeting.
- 4.** Be sure you understand the main point of the employer's argument. Try to narrow down the difference between the union's position and employer's. Listen intently and look for solutions to the problem that the employer reveals subtly — hints, indirect suggestions, or body language.
- 5.** Disagree with dignity. Avoid getting excited, angry, or hostile. Keep yourself under complete control — losing emotional control can mean losing the advantage in a debate. When the employer has no case at all, they may try to provoke you.

6. Avoid unnecessary delays. If the employer asks for more time, try to determine whether it is an attempt to stall or if it is based on a sincere desire for more facts needed to settle the case. If the employer is not trying to stall, you should grant a reasonable extension — you may ask for the same courtesy in dealing with future grievances. When employer's delays are intentional, the more time that passes, the "cooler" the grievance becomes and the less support you will get from the member(s) involved. The more grievances that are piled up in the procedure, the more likely that the employer will try to negotiate with the union to settle a few grievances in exchange for dropping others.

7. When possible, make sure the grievance is settled in the first step. It will help build a better relationship between the member and employer.

8. The burden of proof is on the union unless there is disciplinary action taken against the member or the CBA indicates otherwise. In the case of disciplinary grievances, let the employer try to justify why disciplinary action was taken.

9. Develop a reputation for being honest. Being truthful and fair will lead to quicker resolution and a better relationship between all parties.

10. Maintain your position on a grievance until proven wrong. Take time to give the matter considerable thought.

# 10 TIPS FOR PREPARING MEMBERS FOR DISCIPLINARY MEETINGS

Disciplinary meetings are uncomfortable and stressful events for members. Try to make the member comfortable. Following these simple tips will help.

- 1.** Know what your member will say. Once you have interviewed the member, explain the questions you will ask the employer. Plan those questions according to the information the member has offered.
- 2.** Schedule a run through of the questions with the member to increase their comfort level, not to put words in their mouth. Anyone can see through a concocted story or one that is too-well rehearsed.
- 3.** Tell the member what they can expect in their meeting with management. Give them some questions ahead of time to see how they respond.
- 4.** Answers should be brief and non-technical. Advise them not to argue.
- 5.** Members must not be evasive. If they cannot remember or do not know, they must say so. "I don't know" or "I can't remember." "No" and "yes" are also acceptable responses.

6. When the employer questions the member, answers should be as short as possible.
7. If the member is certain of the facts, tell them to use words like “I remember.”
8. Don’t let the member get shaken by cross-examination. When you have a particularly strong member, management may try to get the member excited, make them lose their temper, or get careless with an answer. Step in to prevent this. Don’t let your member be hounded or badgered.
9. While preparing the member, walk them through the entire meeting. They must understand what to expect. Describe to them the physical layout of the room, who will be present, and what to expect. The more they know ahead of time, the more comfortable they will be.
10. In any proceeding, tell the member to admit, if asked, that they have spoken with you ahead of time. Let them know the interview with you is part of the process. If the employer asks them, “What did your union representative tell you to say at the meeting?” the proper reply is, “They told me to tell the truth.”

## CHAPTER 9

# Dealing with disciplinary grievances

When any union examines the number of grievances filed in a year, discipline is usually the most frequently handled grievance.

While we don't often challenge the right of management to issue rules, we are more likely to challenge the way management enforces them. In most cases of discipline, members have a right to a fair investigation and hearing on the alleged infraction. The details and procedures may differ depending on the contract, but there are some basic rules which apply to all disciplinary meetings.

Members should always ask for union representation. It is important that members understand that they are entitled to this right as part of their membership with the union.

Although contracts and laws may differ on how that right should be exercised, the bottom line is that no member should go into this kind of meeting without union representation. Few members are familiar with their contractual rights, work rules, and limitations on managements' rights. A steward has protected rights at any labour-management meeting when acting as a union representative — a member does not. That means a steward can say things and act in an advocacy role that is protected.

## TWO KEY INTER-RELATED ROLES OF A STEWARD AT ANY DISCIPLINARY HEARING:

- Protect the member
- Protect the union and the contract

### **What should the steward do if the meeting has already started?**

There will be times when the member does not exercise their right to representation at a disciplinary meeting. If the steward finds out and sees the supervisor's door closed, the steward should knock at

the door and request that the supervisor inform the member that a union officer is outside waiting to sit in at the meeting. If the request is denied, document the denial in writing and ask the supervisor to sign it. It is important to create a record that the supervisor denied the member their rights to representation.

**What should the steward do if asked to represent a member at a disciplinary meeting without any advance notice?**

- De-escalate the situation if it becomes heated.
- Review any documentation the member is asked to sign — if necessary, get the chief steward or LRO to review it as well before the member signs it.
- Take good notes and send them to your LRO.

**Should you let a member admit to wrongdoing?**

It depends on the charge; the punishment; mitigating factors; the need for caution versus the impact of a prompt apology or confession as a sign of goodwill and trustworthiness; your sense of whether management is sincere in hearing all sides of the story, or whether their mind is already made up; and the impact of the incident on the work unit or beyond.

If the issue has the potential to be a criminal offense, advise the member to seek outside legal advice before making any admission.

When in doubt, ask for a break in the meeting to consult privately with the member. You could advise management ahead of time that you might be taking a break during the meeting.

Don't let the member sign anything that admits wrongdoing or gives up something unless you have seen the document in advance and reviewed it to determine if it is appropriate. Tell management that you will review the document and get back to them. Check with your chief steward or LRO right away if in doubt. Keep conversations with management respectful on both sides.

Take breaks if the member appears emotional, fragile, or likely to break down.

If management has not told you in advance what the purpose of the meeting is (in cases when they have called the meeting), don't let the member say anything until management reveals their purpose. If needed take a break to meet privately with the member before responding.

Prepare members for the emotional impact of hearing critical things said about them. to help avoid emotional outbursts or unhelpful confessions.



## Preparing disciplinary cases

Most grievance cases handled by unions concern some form of discipline — things like alleged absenteeism, poor job performance, insubordination, or inappropriate work behavior. The percentage of disciplinary cases can range as high as 70 - 80 percent of all grievances. This means that stewards and LROs must spend a lot of time handling these cases.

In the cases of discharge or termination, advise the grievor to seek employment while awaiting the outcome of the grievance procedure. An arbitrator can reduce any settlement amount if the grievor did not actively look for other work.

### Credibility is key

For the union, disciplinary cases often deal with the issue of credibility — whether the member's version of what happened can be believed. The issue must be handled by the union in such a way that if the case was to be submitted to arbitration, the union would be believed by a neutral party.

This means that the grievor's story must be constantly tested to determine exactly what happened. It's human nature to be emotionally involved in an incident. A grievor might describe what happened to them but their choice of words might give an inaccurate description of the chain of events. Or they may stretch the truth to get you to believe them. Details of conversations might be invented or the member might mistakenly place a witness closer to the incident than they were.



## Check the story

A steward must constantly go over the story, checking every aspect of it. Challenge the story as you would expect management to challenge it. Explain to the member that you are not doing this to undermine them, but to help put forward the strongest case. Try to find other credible witnesses who support the grievor's story. Different witnesses see the same event differently. Talk to the supervisor or employer's witnesses beforehand. Check out their story and write it down.

You may need to refer to these conversations at the disciplinary hearing or grievance appeal. If you can show that the supervisor said one thing to you at your meeting and then they contradict this story at a hearing, you begin to build a case that questions the supervisor's credibility.

## Check records

As a representative of the union, you have a right to the member's personnel record with the member's permission. Employers may have specific procedural policies about getting the record, but you need it prior to any meeting with management.

If you can't get it in time, request to postpone the meeting without prejudice to the negotiated time limits for hearings or grievance appeals. In most cases, management will be reasonable about postponing because at some point they may come to the union with a similar request.

Make certain that the member's record is accurate. If there are entries on the record which should have been removed after a certain time (some contracts have time limits for adverse entries), hold the employer to those time limits. Employers use personnel records to build their case against a member so the contents must be accurate and not contain any expired material.



### **Check the contract and policy**

Hold the employer to the same standard that they hold union members. Refer to the contract and policy to see if there was a violation. Even if there was a violation of the policy by the member, the rule must be reasonable and known. Ignorance of the employer's rule is not a strong defense, but there may be some mitigating circumstance such as poor communication of the rule by the employer.

If the rule is not reasonable or related to the work being done, the safety of others, or the employer's image, you may be able to argue that the grievor should not be held responsible.

### **Is the employer consistent?**

Make sure the employer is consistent with how they carry out discipline. If a member received a harsher penalty than another member who was penalized for the same issue you may be able to argue that the employer is being arbitrary or discriminatory.

### **Look for motive**

In cases of insubordination, check to see if the grievor was provoked or tried to defend themselves. Consider the supervisor's motive.

## THE STEWARD'S ROLE AT A DISCIPLINARY HEARING

The nature and procedures of disciplinary hearings are governed by law, contracts, and/or procedures. In general, the steward should follow these guidelines at a hearing:

- Speak to the member prior to the hearing. If it is a formal disciplinary hearing with advance notice, take the time to proceed with an investigation of the alleged infraction.
- Prior to the hearing, inform the member who will be present, how the meeting will be conducted, and what they should expect.
- It is perfectly acceptable for members to answer questions with, "Yes," "No," or "I don't know." Once the member has answered a question, they are under no obligation to elaborate.
- At most hearings the steward can take as active a role as they see fit.
- You can stop the meeting at any time to speak privately with the member.
- Take notes or bring in a second person to take notes.
- Do not rely on the supervisor's notes.
- The written record is important. It documents what was said, not what was allegedly said. Cases have been won and lost on the accuracy of the records.
- The bottom line is to make sure that the member is treated as fairly as possible under circumstances that are heavily weighted against them. You must handle all disciplinary cases as if they will go to arbitration. Remember, even if the investigation does not go the way you had hoped, you can challenge the discipline, how management conducted itself through the process, or the "just cause" section of your contract by appealing through your grievance procedure.
- Remember, your role is to build the strongest case for the member — that means making the case believable. You must consider the employer's explanation of "just cause" for discipline. You must consider the grievor's employment record, any extenuating circumstances, the severity of the discipline, future consequences, and whether a union representative was present at all disciplinary meetings.

## Documenting discipline

### What the employers do

By understanding how managers think and why they respond to alleged disciplinary infractions in a specific way, we can be prepared to respond in an appropriate manner.

If you're questioning why documentation in your grievance work is necessary, consider some information compiled by human resource managers. These are the folks who counsel supervisors how to enforce the rules our members must live by.

- Outline only the critical facts. Disciplinary memos should have no opinion, only facts which can be verified by documentation and interviews.
- The employer uses the 5 W's to assess discipline. *Who* is involved in the rule violation, *when* did it occur, *what* rule was violated, *where* did it occur, *what* discipline should be imposed, and *why* is it appropriate?
- Identify the rule. The clearest case for discipline is a specific rule violation. If the supervisor cannot come up with one and has disciplined a member on some subjective standard such as "poor judgment" they

need to match that charge against what is understood to be an accepted standard of behavior or performance. The less precise the write up, the stronger the challenge we have in the grievance procedure.

- Show that the policy was communicated to the employee. This clearly comes under the topic of just cause. Employees cannot be expected to follow rules if they do not know what they are. Supervisors are told to show how the rule was conveyed to the employee.

- Bring out the record. Major violations aside (fighting, insubordination, theft), disciplinary action can involve repetitive violations such as lateness, poor work performance, or poor attendance. Managers are counseled to produce the record showing previous related violations including discipline and/or counseling. The key for stewards is that the employer's record must be related to the alleged violation, and it must be timely. Check the time limits spelled out in the contract. If there is a two-year limit for an employer to keep a disciplinary letter on file, then violations beyond the two-year limit should be pulled from the file.

We often are presented with an entire work record which the employer uses to characterize the member as "having a poor work attitude." Don't let this happen.

- Document the record. Managers should attach any record related to the rule violation to the disciplinary memo. This is important as it is used to justify progressive discipline. Attach copies of the rule violation record itself or incorporate it into the memo.
- Describe the business reason for enforcing the rule. Clarify why the rule exists.
- Make future expectations clear. Again, this is legal cover for the employer so that discipline is not viewed as punitive. The expectation can simply be a restatement of the rule.
- Show how the employer plans on reasonably correcting inappropriate behavior. One management document states: "Judges and juries like to review disciplinary documentation which indicates that an employer is willing to help the employee solve the problem." The memo might mention additional training or more frequent employer evaluation of work performance.
- Date the document and identify the author. If a supervisor ghostwrites the memo for a manager's signature, the manager must be apprised of the content of the document they are signing.
- Get the employee to sign the document. This is to indicate receipt of the memo. It does not mean agreement with the substance of the memo. Refusals to sign must be noted for the record to indicate that the employee was presented with the memo. Our contention is that there are often two sides to a story, and we want the record to reflect it. This is the time we should try to get our version of the story on the record. Either include your version on the same form or attach a statement to the form or letter. If this is rejected, make a copy of the union statement and file it with the union. It will then be included in the union record if the discipline is grieved.
- Keep records confidential. Only those managers who need to know should have a copy of the memo.



## Insubordination

One of the most troubling and difficult issues you will come across is insubordination. Many contracts state that an employee can be disciplined and discharged for insubordination. For employers, insubordination is considered one of the deadly sins, right up there with theft and violence. They can be difficult and unforgiving on the issue. That is why for every discipline case involving insubordination arbitrators hold the rule “obey now, grieve later”. But, in the heart of an argument or in situations where a member is provoked, the thought of filing a grievance over the issue may be the furthest thing from their mind. Insubordination is usually defined as the failure by an employee to perform a task or comply with an order given to them by a supervisor. An arbitrator will usually look at an employee's compliance with a reasonable order as basic to the conduct of the employer's business. Arbitrators take the issue of insubordination very seriously and consider it a major infraction, one beyond the rules of progressive discipline.

# CHAPTER 10

## **Arbitration**

LROs and stewards make every effort to resolve problems through dialogue at the local level prior to filing a grievance. This resolution effort continues through STEP 1 and STEP 2 during which both parties attempt to ascertain facts, negotiate resolution, agree to joint statements of facts, or look for help from a mediator. Grievances go to arbitration as a last resort.

Arbitration is the decisive step in the grievance procedure. Arbitration is a formal legal hearing before an impartial third party (the arbitrator) mutually agreed upon by the union and the employer. Some CBAs will list agreed-upon arbitrators. In most cases, arbitrators are labour lawyers.

Grievances can be heard by a single arbitrator or by a three-person arbitration board.

An arbitration board is made up of one nominee chosen by the union, one nominee chosen by the employer, and the mutually agreed-upon chair.

Your CBA and the issue at hand will determine how the grievance is heard.

Note — not all grievances go to arbitration; it depends on the issue and the chance of success. The steward's investigation notes and reports are important when it is time to decide whether to go to arbitration.



## Arbitration hearings

At the arbitration hearing, each side has an opportunity to present its case. When the case involves a disciplinary matter, the union presents its case first. During disciplinary grievances, the burden of proof for just cause for discipline is with the employer, whereas for all other grievances the onus for burden of proof is with the union.

Evidence is presented through the testimony of witnesses, documents received or prepared by witnesses, and/or statements of fact that the two sides have previously agreed upon.

Both sides make opening and closing statements, cross-examine one another's witnesses, and may make procedural objections. The arbitrator (and other board members if applicable) may ask questions from time to time. The union must present all its evidence; the arbitrator cannot consider facts which are not presented at the hearing.

There are time limits set out in grievance procedures for each grievance step leading to arbitration. The timelines can be changed by mutual agreement between the union and employer. Both parties are responsible to try to resolve grievances in a just and equitable manner.

After an arbitration hearing ends, the arbitrator reviews the evidence and issues a written decision.

In the case of a three-person board, the two nominees express to the chair of the board their opinions about which evidence is most significant and which contract interpretation is most reasonable.

The arbitrator or board only has authority to interpret the CBA as written. They are not allowed to change the agreement in any way.

At the end of the day, it is the chair of the arbitration board who makes the decision. The nominees are asked to sign in agreement or to submit a written dissent which forms part of the written decision. The written decision is binding to both parties.

Written arbitration decisions are sent to the union who advises the grievor and the chief steward or steward. When the union wins at arbitration, additional work is often required to ensure that the decision is implemented properly. For example, the arbitrator may agree with the union that the grievor be reinstated or compensated but may not set out the exact details. The LRO and the steward(s) may need to meet with the employer to work out the arrangements.

Sometimes the two sides can't agree on how to implement the decision. Typically, the union concludes its presentations at arbitration by asking the arbitrator to keep the case open (remain seized) in case issues arise with implementation. In the event this occurs, the parties refer the disagreement back to the arbitrator for a final decision.

## **A steward's role in arbitration**

**In all cases, your role is limited to the beginning of the grievance process:**

- **Thoroughly investigate and document the complaint**
- **Write legible and complete notes of any interviews and meetings**



- Write a crisp, inclusive, legible grievance form
- File the grievance with the employer within the time limits set out in your CBA
- Submit all paperwork about the grievance to the union office

## CHAPTER 11

# Discrimination and harassment

Harassment can be defined as any unwelcome or unwanted action by a person against another. It can be a verbal or physical action on a single or repeated basis which intimidates, humiliates, insults, degrades, or threatens at any event or any location related to work, when an individual knew or ought to have known their actions would cause offence or harm. In a workplace, harassment can be between employer/member, member/member, or client/member. Harassment can also be indirect like when a bystander witnesses a behavior they find offensive. An example of this may be when two people are discussing religious beliefs by speaking negatively about another religion.

*The Saskatchewan Employment Act* requires all employers to develop a written policy to prevent harassment in the workplace, in consultation with the Occupational Health and Safety Committee. Employers must implement that policy and post it in the workplace. If this policy is not included in the CBA, it is important to negotiate anti-harassment clauses that reference the policy, including mechanisms to resolve disputes, protection for the complainant, and education awareness sessions on harassment for everyone in the workplace

As a steward it is important to know the harassment policy.

## Equality, discrimination, and harassment

Historically, unions were formed on the basic principle of fighting for equal treatment for all members. This goal has not changed. The most effective tool to attain our goal of equality is the elimination of discrimination based on religion, creed, marital status, family status, sex, sexual orientation, disability, age, colour, ancestry, nationality, place of origin, race or perceived race, receipt of public assistance, and gender identity.

Stewards should pay attention to the following behaviors when assessing behaviour that could be considered harassment:

- Verbal or written abuse (such as yelling, name-calling, or threatening emails)
- Insulting or degrading comments, jokes, or gestures
- Interfering with or vandalizing personal property
- Unwelcome physical contact
- Personal ridicule or gossip that damages reputations
- Refusal to communicate, work, or co-operate with a person
- “Work sabotage”
- Abuse of power
- Signs of intimidation

## Impact versus intent

A person cannot be excused of their behaviors by simply claiming to have not intended to harm or offend another member. There is jurisprudence that is relied on when determining what a reasonable person ought to know.

## Member to member harassment

If a member, or members raise(s) concerns or make allegations of harassment, the steward must request the member provide documentation of the facts pertaining to the incident. This should include who was involved, any witnesses, when and where it occurred, how often it occurred, what the behaviour was that led to the allegation, and how it made them feel physically and emotionally.

Once you receive the documentation from the member you must determine if you can handle the matter by yourself or if it needs to be escalated to the employer as per their harassment policy. For assistance on determining if it should remain at the steward level, ask your chief steward or LRO.

If the matter requires a formal filing of a complaint, follow your harassment policy and CBA.

## Employer harassment

Day-to-day managerial activities such as work assignment, performance management, and progressive discipline are not considered personal harassment, unless they are unreasonable and designed to ridicule and humiliate. Harassment based on one of the prohibited grounds, has no such exception for reasonable managerial action.

There are times when a member may come to you with a complaint about a supervisor or manager picking on them. For example, “I get the worst assignments” or “the supervisor always seems to breathe down my neck.”

These examples may be abuse of power or bullying. However, unless there is clear documentation or witnesses, these concerns typically boil down to the member’s version of the story versus the employer’s. Before you advise the member on the best way to resolve their complaint, you must tell the member to document each incident in which the behaviour occurred. Just as management builds disciplinary cases against our members, we must build the case against the offending employer.

Tell the member to write down the incident, when it happened, what happened, and whether there were any witnesses. By compiling a record of the harassment, the member is directly involved in the grievance process and the union will have the necessary documentation to make the best case.

To prove that personal harassment or bullying has occurred, the affected person must provide some evidence that they have experienced adverse effects. This does not have to be medical evidence, although the member may be required to prove that a single serious incident caused lasting harm.



## CHAPTER 12

# Accommodating illness or injury

### Duty to accommodate

It is a legal requirement, under Canadian and Saskatchewan human rights laws, for an employer to take reasonable measures short of undue hardship to accommodate the needs and disabilities of employees.

This typically means the tailoring of a work rule, practice, condition, or requirement to the specific needs of an individual or group. The accommodation need(s) may be associated with a worker's disability, religion, or gender.

The duty to accommodate requires different treatment to achieve equality of opportunity. In other words, it rejects the idea that, just because everyone works for the same employer, they must be treated the same, with no exceptions.

Examples of accommodation:

- Reassignment of duties
- Hours of work
- Ergonomic changes
- Assignment to different duties
- Shift changes
- Waiving of posting for vacancies
- Provisions for technical devices



## Long Term Disability (LTD)

Please advise your members that if they are suffering from a short or long-term illness they should immediately contact the SGEU LTD Plan Advocate for advice and processing at (306) 775.7215 or 1.800.667.5221, Ext 215.

LTD Plan forms and the LTD Plan text are available at [sgeu.org/LTD](http://sgeu.org/LTD).

NOTE: not all members are part of the SGEU LTD plan. See your CBA for more details.

### **What happens when the member can return to work after a disability?**

When the member's doctor determines that it is possible to return to work, even on a part-time basis, they provide a letter stating that the member is able to return to work outlining any limitations to work duties and length of workday and/or work week.

The employer reviews the letter and the work that needs to be performed in the workplace, including if and what accommodations can be made to address the medical restrictions. The employer meets with the member and union representatives (including SGEU vocational rehab counsellor) to discuss the possible accommodations.

If the member, the union, or an LTD representative believes the offer is not reasonable or they have questions about it, they may review the offer with the member's doctor, to verify if it meets their limitations.

- Once all parties agree to a return-to-work program, the member returns to work, keeping their doctor and the employer informed of any difficulties or improvements. If the return-to-work job is part-time, LTD benefits continue but are reduced accordingly.
- A permanent return to work may require temporary or permanent changes to the workplace and/or to the duties that the member performs.

## **What does the steward need to do about a disabled member returning to work?**

As a steward, you need to understand that the employer and the union have a legal obligation called the “Duty to Accommodate.” When a disabled employee’s doctor determines that they can return to work, the employer is required by law to bring that employee back, with any necessary modifications to tasks, equipment, or work schedule identified by the doctor, unless it causes the employer an undue hardship.

Conflict can arise in the workplace if co-workers do not understand why the accommodated employee does not have to do as many duties or work as long a day or week as they do. The steward’s role is to determine a plan with the employer as to how ready the workplace is for the worker’s return. This may include the steward agreeing to intervene when gossip or any other bad behavior occurs, as well as offering support to the returning member.

The SGEU vocational rehabilitation counsellor works out the details of the employee’s return to work. If the steward sees that the employer is violating the terms of the agreement, the member should immediately contact the vocational rehabilitation counsellor or LRO. Most importantly, the steward can serve as a witness to the violation, document it, and grieve it if necessary.

# HEALTH AND SAFETY RIGHTS AND RESPONSIBILITIES IN THE WORKPLACE

The labour movement has won recognition of three fundamental rights which are enshrined in Saskatchewan's workplace health and safety legislation. *The Saskatchewan Employment Act* outlines the procedures to be followed when exercising the right to:

## Refuse dangerous work

You cannot be fired or disciplined for refusing to perform a job or task which you have reasonable grounds to believe is unusually dangerous to yourself or others.

## To know about the hazards at work

The employer is obliged to provide information about workplace hazards and to show workers how to perform tasks safely. Workers have the right to ask for this information if it isn't immediately available.

## Participate in protecting their health and safety

Every workplace with 10 or more employees must have a joint union/management occupational health and safety committee. The union's representatives are chosen by the union. At no time should the committee meet without equal or more union members than management. Workplaces with fewer than 10 employees must have an occupational health and safety representative, elected according to union policy.

### **What happens if the member returns to work and becomes disabled again?**

A member who returns to work after a period on LTD benefits may become eligible for benefits again if:

- They become disabled due to a recurrence of the same disability or illness within one year of returning to work; or
- They experience an unrelated disability or illness within one month of returning to work and they provide medical documentation to support their disability.

### **What happens if a member refuses dangerous work?**

Workers have the right to refuse to do any specific job or task which they have reasonable grounds to believe is unusually dangerous. The danger may be to the individual worker or to any other person. A worker cannot be fired or disciplined for using this right.

When a worker refuses to perform dangerous work, there is a process they must follow:

- The worker must report to their supervisor that they are refusing to perform work because they believe it is unusually dangerous, and state why they believe the situation is dangerous.
- If the situation isn't immediately corrected, the joint union-management occupational health committee (OHC) investigates.
- The worker can resume their work if the unsafe condition is resolved with mutual agreement of the committee and the worker.
- If the condition is not resolved (or if there is no OHC at the workplace), an occupational health officer is called to investigate and provide a decision in writing.

- No other worker can be assigned to do the work unless they have been informed of the work refusal and the reasons for it — they too have the right to refuse to do the work.
- If the occupational health officer determines that the work is in fact unusually dangerous, the employer will be ordered to make necessary changes to correct the problem and then work must resume. If the occupational health officer determines that the work is not unusually dangerous, the member no longer has the legal protection of the right to refuse.

By law, employers must:

- Provide a healthy and safe work environment and have first aid and emergency arrangements in place
- Ensure copies of *The Saskatchewan Employment Act*, and *The Occupational Health and Safety Act*, are available for reference. Both publications are available to download for free, or a printed copy can be purchased from [publications.gov.sk.ca](http://publications.gov.sk.ca)
- Promptly report incidents to the Occupational Health and Safety Branch of government
- Know and follow the appropriate legislation for their industry
- Train workers in all matters that are necessary to protect their health and safety before they start work, are assigned different duties, or are moved to a new work site
- Provide “close and competent supervision” until workers have been trained to do their jobs and have enough experience to perform the work safely. If a worker is uncertain, they should ask for the training they need to protect their health and safety
- Pay employees while they are being trained

## CHAPTER 13

# Myths and facts about unions

Several myths and misconceptions about unions exist. Sometimes this is a result of a lack of knowledge or understanding about unions. Often, these myths are promoted by employers and organizations who do not approve of unions or are intimidated by them.

**MYTH: I don't need a union because my employer already treats me well or promised they will fix the problems at work.**

**FACT:** If your employer currently treats you well, you might be one of the lucky ones. What happens if your employer decides you no longer deserve to be treated that way? Or what if you get a new supervisor who isn't so nice? A union can help ensure everyone is treated fairly no matter who the supervisor or employer is or what mood they are in. Sometimes, if the employer hears that employees want to form a union, the employer will be on their best behaviour and offer to fix problems in the short term. However, what happens afterward — will the employer be as willing to respond to your concerns once they're no longer facing a union?

## **MYTH: If I sign a union card or help form a union, I'll get fired.**

FACT: Organizing your union is a legally protected activity. The law gives you the right to help other people join the union so you can work together to improve your working lives.

The law protects you. SGEU makes sure that the law is upheld. According to *The Saskatchewan Employment Act* it is an unfair labour practice for your employer, manager, or supervisor to fire you, suspend you, punish you or threaten you in any way for joining a union or helping your co-workers join. Your employer will not be told if you did or didn't sign a union card. If your employer asks whether you signed a union card or are helping organize a union, you are not required to answer. If any of these occur or you believe they are occurring, you should report this to SGEU because it is considered illegal. In cases like these, SGEU will stand with you and challenge it at the Saskatchewan Labour Relations Board.

## **MYTH: Unions just want workers' dues, and I won't be able to afford the union dues.**

FACT: The number of dues paid by union members is set by each union through a democratic process and represents only a small percentage of each worker's pay. As of June 2021, SGEU dues are 1.6 per cent. Unions are not-for-profit organizations; the money that workers pay in dues goes back into running the organization so it can help its members. Dues from every member are pooled together to help all members have access to expert staff who can help them get better pay, benefits, and fair treatment.

The services you receive as a union member are far greater than the cost of union dues. If you didn't belong to a union and had to hire an expert or a lawyer to help you when you have a problem at work, it would cost much more than the amount of dues you pay as a union member. A union can also negotiate wage increases that more than offset the cost of your union dues — the average unionized Saskatchewan worker makes \$5.26 per hour more than the average non-unionized worker. On top of that, your union dues are tax-deductible. There are lot more benefits to belonging — union run educational courses, an opportunity to run for office, scholarships for members and dependents, and more!

## **MYTH: Unions are always forcing their members to go on strike.**

FACT: The main goal of a union is to negotiate a contract or CBA that is fair for its members. Strikes occur only when a contract has expired and the employer and union cannot reach an agreement on a new contract at the bargaining table; however, there are many steps that must be taken before a strike can happen. Unions are required to hold a vote before taking any strike action, and strikes only occur when a clear majority of affected members vote in favor of a strike.

Strikes are controversial, and so they usually make the news. However, most CBAs in Canada are negotiated without a strike. In fact, more working days are lost each year due to workplace accidents and injuries than are lost to striking employees. A strike means a sacrifice for workers and their families. For this reason, strikes are only used as a last resort.

## **MYTH: Unions mean more conflict and complications in the workplace.**

FACT: Unions can make the workplace a better, less stressful place to work because a union contract helps lay out how workers will be treated by the employer and what workers are expected to do. A contract allows the employer and workers to sit down as equals and discuss problems as they come up. Without a union, workers' lives are often more complicated because they must worry about things like favoritism, rules that change arbitrarily, and low economic security. Unions can help resolve conflict by working with the employer on issues like occupational health and safety, training needs and job security, which helps ensure workers are happier and more productive.

## **MYTH: Unions lead to lower productivity and laziness.**

FACT: Studies have shown that productivity is higher in unionized workplaces; there is a positive association between unions and productivity. In general, unionized workplaces are known to attract and retain more skilled and experienced employees.



**MYTH: Unions used to be effective, but they're not anymore — they have outlived their usefulness.**

FACT: Unions are still the best way for working people to have economic security and a voice on the job. Statistics show that Saskatchewan union members make over 20 per cent more in wages than workers who don't have a union. Union members are more likely to have good benefit and pension plans compared to workers without unions. Unions also help keep the workplace safe, prevent discrimination on the job, and give workers a say in what happens at their workplace.

**MYTH: Unions protect lazy and bad workers who should be fired.**

FACT: Unions do not require an employer to keep a worker who is lazy, incompetent, or constantly absent or late. However, a union helps ensure that dismissals are for "just cause."

A union helps prevent workers from being fired without a good reason. A union will protect you from being fired if you miss work due to illness, or just because your supervisor or employer dislikes you. This protection can be especially important for older workers, women, visible minorities, 2SLGBTQ+ workers and those with disabilities. In this way, unions do protect union members' jobs.

**MYTH: Unions hold you back from advancement and promotion.**

FACT: Unions help to set work and salary standards that are clear and apply to everyone. Unions do not prevent employees from being promoted. They provide a structure that is applied fairly to all employees, based on objective reasoning.

Unions help prevent your employer from playing favorites or treating employees differently. You and your coworkers are entitled to be treated equally under the same rules and have the same chance to get promoted.

**MYTH: Unions are too political and give my money to certain political parties and causes that I don't always support.**

FACT: The main job of the union is to stand up for its members by fighting for good contracts that provide a fair wage, benefits, and good working conditions. But the union also advocates for other issues that make a positive difference in the lives and communities of members and their families — things like affordable health care and prescription drugs, access to childcare, affordable housing, human rights including 2SLGBTQ+ issues, and much more. We sometimes lobby federal or provincial governments, and we work to make sure our members have information on political parties and candidates who work for good laws and support issues that matter to working families. However, SGEU does not donate to any political parties.

**MYTH: Unions are mostly interested in demanding wage increases that eventually force the employer to cut jobs or go out of business.**

FACT: Wages are important, but unions are also concerned about fair treatment and better working conditions. Over the years, unions have led the fight for Medicare, workers' compensation, occupational health and safety laws, stronger human rights laws, better pay and employment equity. Unions try to find a balance when asking for wage increases because they know it would harm employees if an employer could not afford to pay its workers and had to cut jobs or go out of business. This is a scare tactic that is sometimes used against unions, but it makes no sense for a union to act in a way that would result in jobs being lost or a business closing.

## **MYTH: The union is controlled by big union bosses who don't know anything about our workplace or our community.**

FACT: A union is made up of its members at each workplace. The union's members control the direction of the union by attending meetings or conventions, voting when decisions are being made, and electing leaders to represent them. This helps ensure that members who know their workplace and their community have a say in what the union is doing. SGEU is a Saskatchewan-based union that is proud to represent members who live, work, and raise their families in communities across the province.

## **MYTH: Unions are too big and powerful.**

FACT: Unions are governed by their members, using a democratic decision-making process to elect their leaders and make decisions on what the union does. Unions are formed by their members and are accountable to them. Even the largest unions are small in comparison to the size, financial resources, and power that large corporations hold. Governments also hold more power than unions and can change the laws that apply to unions, intervene in strikes, force workers back to work, or impose a contract on a union. Do you ever see a government do the same thing to large corporations?

Certainly, there are times when some corporations or governments claim unions are too powerful. But remember — union power is really worker power. Unions are only as strong as their members make them. When business or governments say unions have become too powerful, it's because they're worried about the impact workers can have when they are organized and prepared to work together for their collective well-being.

# NOTES



