

CANADIAN LABOUR CONGRESS

UNION STEWARD HANDBOOK





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INTRODUCTION



INTRODUCTION

UPDATED. REIMAGINED. NEW.

The CLC has produced a handbook for union stewards for decades. This new version contains the essential information from the previous print edition, revised and updated for today's workplaces.

The updated material builds on the base of knowledge and experience from past generations. It responds to new understandings of our world and the need for innovative approaches, building more inclusive unions, connecting with members, and listening to new and younger workers who will be the union stewards and labour leaders of tomorrow.





MESSAGE FROM THE PRESIDENT



MESSAGE FROM THE PRESIDENT

Being a union steward is one of the most rewarding and meaningful ways you can bring more fairness and inclusion to your workplace. Stewards are often the first contact union members have with their union and play a crucial role in engaging new and lesser involved members in their union. As a steward, you are a leader in your workplace, and you are an important resource to your coworkers.

This Handbook is designed to help new union stewards, but anyone can learn from it. As a worker, whether you are in a union or not, there is much here that can equip you to face the many challenges of today's more precarious employment environment.

Our movement has lofty ambitions and, united together, we can build the communities, the country, and the world of our dreams. And we are looking to leaders like you to make it possible.

In order for us to make positive changes in our workplaces and our communities, our voices must be heard loudly and clearly. Our movement is stepping up to ensure that working people are at the heart of the public policy choices made by government. This is our moment to use our collective influence to make real and substantial change happen. It will take a lot of hard work and solidarity. Union members are one of our biggest resources and our political advocacy relies on them like never before. We must continue to engage union members and empower them to become activists by showing them the tremendous collective power they have as part of the labour movement.

As a union steward, you can make a difference. Canada's unions know that building connections with workers and engaging with them is the best way to push forward. Unions continue to help workers get organized so they can make a difference in their daily lives by improving the places where they work and the communities where they live.

Thank you for stepping forward and making a difference as a union steward or for simply showing an interest in how you and the people you work with can come together and change the world.

In Solidarity,



Bea Bruske





WHY DO WE HAVE STEWARDS?



WHY DO WE HAVE STEWARDS?

Union stewards connect with their members and make their unions stronger and more inclusive.

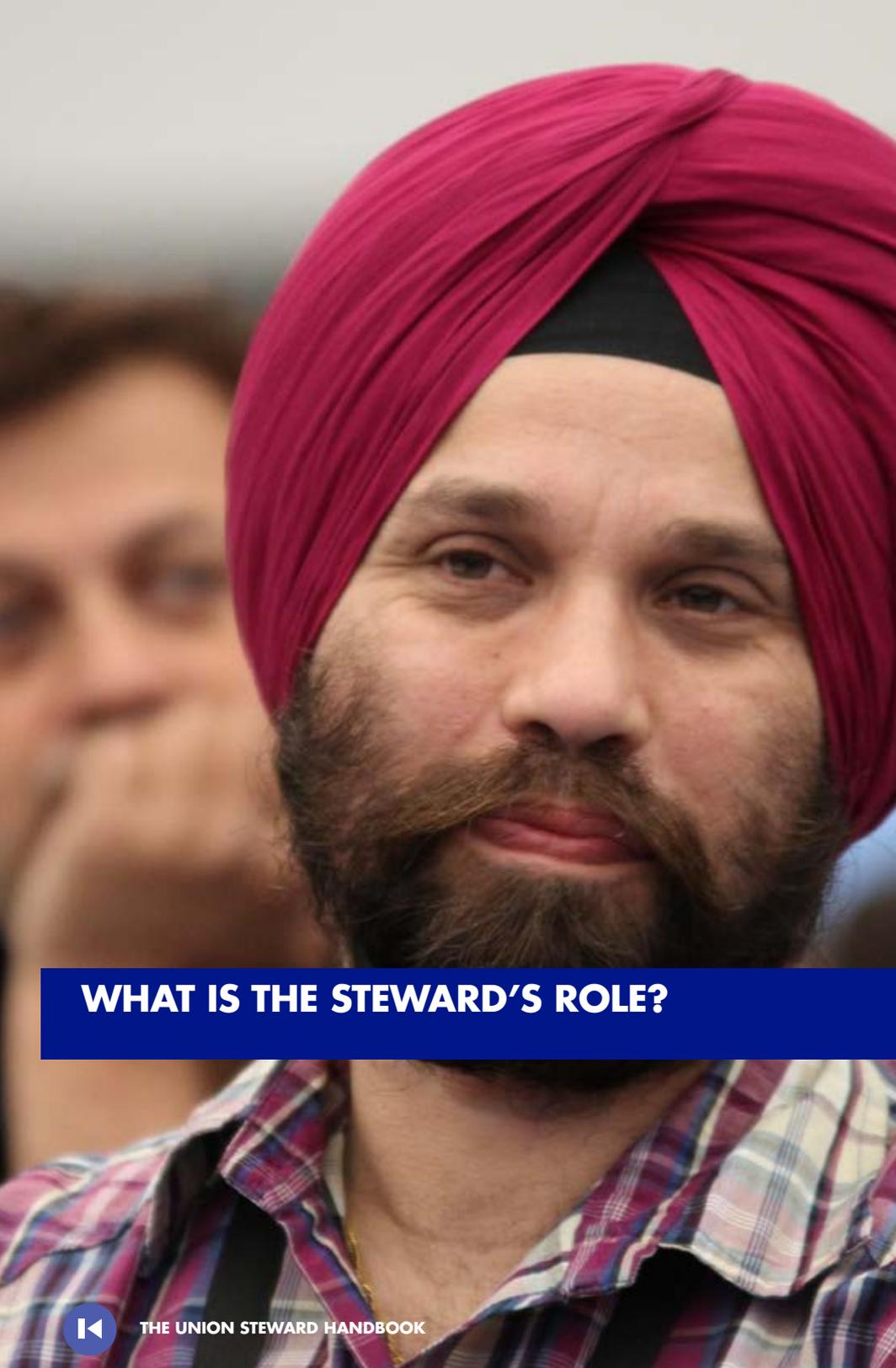
Historically, the steward system was created to help newly-formed unions stay functional by creating a formal leadership role within the local. This structure served to support members and make sure the collective agreement was enforced. A steward's primary job was to make sure that collective agreements were worth more than the paper they were written on.

Today, the role of a steward has expanded beyond enforcing the contract to include connecting with members and building more inclusive unions. As the role of unions has developed, so has the role of stewards. But one constant remains: as steward, you are the daily point person – the “support system” – for members with questions and concerns.

It's a tough job. Sometimes there are more kicks than pats on the back. You have to give up a lot of your own time. You have to set an example because your members and the employer keep an eye on you. You've got another full-time job to do in addition to your regular job in the workplace – without extra pay.

But it does pay off. There is great satisfaction in doing a tough job well, of being a key link, and in being a leader in your own organization.





WHAT IS THE STEWARD'S ROLE?



WHAT IS THE STEWARD'S ROLE?

Stewards have two main roles: to make sure working conditions match the collective agreement and to connect members to each other and the union.

MAKE SURE WORKING CONDITIONS REFLECT THE COLLECTIVE AGREEMENT

Without you, the collective agreement is just paper (or pixels). Your job is to bring it to life.

How? By making sure management follows all the clauses that your union negotiated in bargaining. Stewards deal with complaints, investigate and settle grievances, and ensure that working conditions live up to the contract.

Stewards combine knowledge with practice to solve problems and build healthier, happier workplaces.

CONNECT MEMBERS TO EACH OTHER – AND TO THE UNION

Stewards act as hubs for union networking in the workplace. Your direct contact with members helps connect them to their union – and to each other.

For many union members, a steward might be the only actual contact they have with their local and the wider labour movement. That's why a steward's ability to engage and connect with members is essential – from casual face-to-face contact to local meetings to regular communication like newsletters and updates on websites and social media.

When members are connected, they participate. More participation builds stronger unions and better working conditions for all.





WHAT SHOULD A STEWARD KNOW?



WHAT SHOULD A STEWARD KNOW?

No steward will ever know all the answers when they first take on the job. You will learn by studying, listening and participating in day-to-day union activities. But all stewards agree on a few things you really should know...

THE COLLECTIVE AGREEMENT

No contract is perfect. Get to know your contract's limitations and feel free to discuss them with other stewards and union officers. Understand how its provisions apply to special departmental conditions. Notice what each section covers. You don't have to memorize it word-for-word, but you must know where to look for the provisions which apply to any particular type of situation or grievance. Get familiar with the grievance procedure, its steps and time limits.

Sometimes the union and the employer have agreed on interpretations that are not written into the contract. When faced with a dispute over the meaning of some wording, look for the most reasonable interpretation. Check with your local union staff representative, your president or a member of the negotiating committee for any clarification you might need.

EMPLOYER'S POLICIES AND WORKPLACE RULES

Read these, especially those sections dealing with disciplinary action. Read employer websites and financial reports, watch the bulletin boards and read the notices, updates and newsletters. Watch the media reports of news of your employer and industry or sector.

LABOUR LAW

You don't have to be a lawyer, but knowing something about the important labour laws which affect the union and your members will help you do your job to protect your members, build your union and settle grievances.



As a member of the Canadian labour force, you work under either federal or provincial jurisdiction with regard to labour laws. The federal jurisdiction covers railway, telegraphs, communications, canals and other works connecting the provinces. It also has jurisdiction over industry and business declared to be for the “general advantage” of Canada or for the advantage of more than one province. Labour legislation governing the Yukon and Northwest Territories also comes under federal jurisdiction. All other employees are governed by their provincial labour legislation, usually entitled the Labour Relations Act or Trade Union Act.

The best way to improve laws is by creating public pressure and electing pro-worker/pro-union governments. Your local labour council is the perfect forum to discuss the effects of legislation on unions. (See the chapter on Political Action for more.)

OTHER KEY THINGS TO KNOW

Arbitration Cases

You should have a general knowledge of arbitration cases and decisions involving your collective agreement. These decisions are known as “jurisprudence” and are very important to current and future grievances.

Duty of Fair Representation

All employees (not necessarily members) in the bargaining unit have the right to be fairly represented by the bargaining agent (union). “Fair” representation means that the union must not act in a manner which is “discriminatory, arbitrary, (or) in bad faith” toward any employee. This means that the union must serve and represent all employees equally. You must do so in a very conscientious manner which is completely void of hostility and/or malicious intent.

Physical Working Conditions

You should have a general knowledge of all operations performed in your area. This includes the working conditions, the production requirements and the machines or equipment associated with them.



Jobs and Rates of Pay

You should know the jobs in the department and the rates of pay. If there is an incentive system, understand how it works. Keep all the information on rates, seniority lists, past grievances and any other relevant information in a folder or notebook or on a device. Keep the info handy yet somewhere that is not accessible to management.

Supervisors

Get to know all the supervisors you deal with – from their area of responsibility and authority to their personal traits.

Your Members

You should know all the members you represent, their personal characteristics, interests and concerns. How? By listening to them and getting to know them as people. The better you know your people – and the better they get to know you – the easier it will be for you to talk about the union.

Your Union

One of your key jobs is to build the union. To do this, you need to know your union, what it's all about, what it's doing and why. Learn the structure of your organization so that you can make the best use of it through its website and social media, education programs, conventions, etc. Know your constitution, your local by-laws and dues breakdown. Read your union newsletters. Attend union meetings.

And – Know Yourself!

Know your strengths and limitations, and don't be afraid to ask for help. No one expects you to learn everything overnight. You'll start with a basic understanding of the issues at hand and grow your expertise as you perform your job.

Finally, keep in touch with your local union officers and get to know members from other locals in your union by attending conferences and conventions.





THE SKILLS A STEWARD NEEDS



THE SKILLS A STEWARD NEEDS

There is no single personality style that makes for a good steward, but there definitely are certain skills which all good stewards have. These are: organizing skills, educational skills and communications skills.

ORGANIZING SKILLS

Being a good organizer is essential and requires a blend of skills and qualities. It's vital to be approachable. You could know the collective agreement inside-out, but if you don't take care to be approachable, then members may not ask you for help, and you may not know what is really going on in the workplace.

Good organizers balance getting things done with building connections with their members.

Checklist: Being a Good Organizer

- ✓ *Assess whether your full membership is represented in union leadership, committees and initiatives.*
- ✓ *Make it easy for members to participate and welcome all forms of support, no matter how "active" a member is.*
- ✓ *There are many different kinds of tasks and roles in a healthy union and many ways members can be active.*
- ✓ *Foster democracy and teamwork.*
- ✓ *Lead by involving members in activities and planning.*
- ✓ *Keep things simple and tackle the biggest problems one step at a time.*
- ✓ *Keep things fun.*



EDUCATION SKILLS

Prepare yourself! Learn with courses and workshops provided by your union, your local labour council, your provincial or territorial labour federation or the CLC. You'll find learning opportunities on just about everything from steward training to union organizing and bargaining to human rights. Dive in!

To be a good teacher, stewards need to do a lot of learning first. Study your collective agreement, your constitution and your local's by-laws and make them accessible to your membership. Some local union education committees do this by having a "feature clause" of the collective agreement, either weekly or monthly. Together, the steward and local union communicators explain the union's interpretation of the featured clause, while giving the membership an update on the status of grievances and any arbitration decisions.

A vital part of the steward's role is to be an excellent listener. But stewards should also always be ready to remind members what their union does for them. Be clear and ready to tell the union's story: better working conditions, workplace health and safety, higher pay and better benefits.

Tips:

- *Study your collective agreement, union bylaws and constitution.*
- *Be a good teacher by treating your members respectfully and sharing information freely.*
- *Learn from your members' knowledge and support their learning journey.*

Remember who you are educating. Your members are adults and you should treat them as equals, with the same respect that you expect. Your goal is to share information, not to show off how much you know. Education is a two-way process.



Unless you learn from your members – from their knowledge, experience and insights – you cannot be a good educator yourself. Besides, not respecting and appreciating the qualities in someone else is the quickest way to alienate them.

COMMUNICATION SKILLS

These days, people expect to be able to access information easily. They also understand that communication is a two-way street. This means that the union has to tell its story (on its website, in its newsletters, in its materials) at the same time that it listens to its members. When we listen, we tend to be more relevant than when we talk.

In other words, if you listen carefully to those around you, people will pay more attention to what you have to say when you do speak. Your members will feel heard and respected, and this is vital to building a relationship with them and engaging them in the life of the union.

Tips:

- *Go for the connection –not the hard sell .*
- *Listen to what is being said – not for what you want to hear.*
- *Try not to argue or be defensive.*
- *Reflect back on what you hear.*

BE A LEADER

A steward is the front-line leader in the local. This means that principles that apply to the local executive also apply to you as a steward.



SET AN EXAMPLE

By your actions, show your membership that you believe in the union's policy of an equitable and just society and workplace. Be assertive in standing up against any form of oppression.

WORK TO DISPEL FEAR OF THE BOSS

Treat your supervisor as an equal and show that you expect to be treated as an equal too. Don't be afraid to speak up in defense of your members or the collective agreement.

HOLD NO BIAS

Speak up for all your members. Represent all members fairly and equally, regardless of race, politics, religion, sex or sexual orientation – and keep your word.

SMASH RUMOURS

Rumours, especially those involving/originating from/started by the employer, can cause fears and divisions in the membership. Find out the truth and then talk to your members.

BE ACCESSIBLE

Keep in close contact with your membership and let them know where you can be found at all times. Encourage workers to come to you with their problems rather than to the supervisor.

DON'T MAKE STUFF UP

If you don't know the answer, don't make it up! Tell the member that although you don't have the answer right now, you will find out and get back to them as soon as possible.

Make sure you follow up. The union movement is full of the resources you need to get the answer.



BE POLITICALLY AWARE

Know the provincial and federal labour laws that affect you, your members and the union. Support political candidates who support labour's program. Keep up-to-date on labour and political issues and share what you're reading and watching. Be active in your community and in your local labour council. Encourage your members to do the same.



A close-up photograph of a woman with dark hair tied back, wearing a white long-sleeved shirt. She is looking down with a slight smile at a document she is holding. In the background, a glass of coffee is visible on a table. A dark blue horizontal bar is overlaid across the middle of the image, containing the title text.

THE TOOLS A STEWARD NEEDS



THE TOOLS A STEWARD NEEDS

GOT EVERYTHING? CHECK THE LIST... MAKE SURE YOU HAVE...

- ✓ *Copies of the collective agreement – at home, at work, in your car, on your computer, phone and tablet.*
- ✓ *Member list – names, email addresses, mailing addresses, phone numbers, seniority, classification and wage rates.*
- ✓ *A separate seniority list.*
- ✓ *A copy of the employer's rules and regulations.*
- ✓ *A copy of the provincial Act pertaining to occupational health and safety.*
- ✓ *A copy of WHMIS, the Workplace Hazardous Materials Information System.*
- ✓ *Grievance forms plus fact sheets and any other forms the union expects you to use, either in electronic form or hard copy.*
- ✓ *Union constitution and by-laws.*
- ✓ *Kits for new members. These are brochures, leaflets or web content that describe your union and its activities. Use them to introduce yourself to new members and explain to them what the union is and the benefits the union brings.*
- ✓ *Pen, paper, notebook or device (be ready to take notes).*

You might have all of this information on your smartphone, tablet or laptop. Or, you might prefer paper versions of everything. The important part is that the information and the tools are at hand when you need them – and you never know when you might need them!





MEMBER ENGAGEMENT



MEMBER ENGAGEMENT

HOW DO WE BUILD A SENSE OF BELONGING INSIDE OUR UNIONS?

Member engagement is about making sure all members feel included. This means it's vital that union stewards know who their members are, where they work and what they care about.

Unions across Canada and elsewhere are rediscovering the need to engage members to strengthen themselves and build the labour movement. Stewards can help more members feel connected to their unions by improving their member engagement skills.

The goal is to have more members think of the union as their union – as an organization they are proud to be part of, as a place where they feel a sense of belonging, and as a group that shares similar values and acts to protect the interests of its members and the wider community.

Any union member can be part of the process of engaging others, but stewards play a central role in building welcoming, inclusive and connected locals. Cultivating ongoing member engagement is an important piece of the steward's job.



THREE WAYS THAT DON'T ALWAYS WORK

We know what not to do. In fact, most of us have lots of stories about what kinds of approaches don't work. At best, these approaches can work in a pinch, or work once but not consistently. At worst, they leave us scratching our heads wondering where our members are.

Kevin Millsip, an engagement specialist and leadership trainer, has identified three ways to engage members that don't always work out that well:

The “Fact-o-Lanche”

Overwhelming people with an avalanche of facts and figures – a Fact-o-lanche – does little to help them feel engaged.

The “Park N’Bark”

Yelling at people and telling them what to think or pointing out how they're wrong to think what they think, won't get you very far.

The “Field of Dreams”

Building an elaborate vision – for a project or a campaign – doesn't always translate into engagement if it's not starting with peoples' actual needs. You can build it, but they may not come.

So, how do we “engage” our members? Good question. We have the secret sauce. And we're giving it away for free. It's “Go, Listen and Build.”

STEP ONE: GO

We start by going to where our members are. We stop expecting them to come to us.

“Going” to where our members are means going to them, for real, in the real world. We need to reach out and connect with them “where they are”, literally. If everyone hangs out at certain place after work, go there. If lots of your members hang out at the same community centre, go there. If they’re all on Facebook – then that is where you go to connect with them.

The important thing is to connect with our members where they work and where they play:

- *We make sure we reach all our members in the workplace across sites, departments, and shifts. We must know where our members are located and how to reach them*
- *If a lot of your members go bowling, then the bowling alley is a good place to do outreach and even build partnerships (perhaps by sponsoring a team?). If your members attend a particular place of worship, then perhaps co-sponsoring an event might be in order. If your members hang out at Tom Morton’s coffee shop, then doing outreach at Barluck’s coffee shop might not be the best idea*

Also, remember to find out what’s on your members’ minds so you can “go” to their concerns. Listen to them – at your meetings, using online surveys, social media, face-to-face, whatever – and then work on the issues that matter to them.

Addressing your members’ concerns will always be one of the best ways to connect with them (or with anyone). Over time, we learn how to connect union issues to the concerns of our members because we have shared values.



STEP TWO: LISTEN

There are usually two parts to a good conversation: speaking and listening. We don't always remember the second part.

This is why we've developed resources to help union members build their listening skills. When you're first talking to a member, remember that any one conversation is the beginning of an unfolding process. Keep it friendly, open and casual – and brief. If conversation were an onion, listening would be the first layer.

Tips:

- *Go for the connection – not the pitch*
- *Make eye contact, if appropriate – or convey you are listening in some other way, either through sounds or body language*
- *Listen to what is being said – not what you want to hear*
- *Don't respond, rebut, or reject*
- *Reflect back on what you hear*

STEP THREE: BUILD

We build deeper relationships by connecting with members as people and discovering shared values. This creates a sense of belonging, which leads to solidarity and moves members into closer connection with their union.

In other words, we organize and educate together – and then we mobilize. The best way to build union power is to build a culture of connection – a strong base to engage into action.



INCLUSIVE MEMBER ENGAGEMENT

Just as the workplace should reflect the changing face of society, so should our unions. More than any other organization, a union belongs to its members. This is why we must constantly work hard to include all of our members and reduce systemic barriers to participation.

Good organizers will assess whether your local union and the wider labour movement is really accessible and welcoming for the entire membership. If it isn't, talk about it and involve people in naming and addressing barriers.

Ask yourself questions like:

- *Does our local leadership, from the stewards to the executive, reflect the make-up of the membership? If not, why not? Are we really listening to our members, connecting with them, and building with them?*
- *Is diversity central to our operations – or an afterthought?*
- *Do we welcome people from all communities and cultures? Do we welcome diverse points of view?*

Don't Forget Practical Things Like:

- *Do our local meetings occur at times when family responsibilities would make attendance impossible for some?*
- *Do members have transportation?*
- *Are your meetings accessible to members with disabilities?*
- *Does our local provide translation services for those members who are more comfortable in their own language?*
- *Does our local provide translation services for auditory or visually challenged members who may want to participate?*





EQUITY AND INCLUSION



EQUITY AND INCLUSION

Systemic barriers can prevent members from fully participating in the workplace and in the union.

Stewards have a duty to represent all members fairly. This means that a crucial part of the steward's job is to be aware if members feel excluded, hurt or even oppressed at the workplace or in their union.

Your members can experience these things in ways that are obvious and ways that are subtle. This is why stewards need to really know their members, and it's why stewards should use an "equity lens" to view their workplaces and their unions.

An equity and inclusion approach is based in solidarity, respect and a recognition of every person's inherent worth. Adopting equity means addressing power imbalances, embracing our differences and developing ways to create powerful bonds in the face of inequity and systemic barriers.

This can be complex, but your union is there to help. Most unions have people working on equity or human rights. Check with them for relevant policies, information and supports.

WHAT IS AN EQUITY LENS?

An equity and inclusion lens is a policy tool that unions can use to look for, see and support diversity as well as look for, see and remove human rights barriers from their activities, practices, structure, committees and leadership. Equity and inclusion lenses offer unions a way to become inclusive of the full diversity of their members.

An equity approach aims to ensure that everyone has access to equal rights and benefits. It treats everyone fairly by acknowledging their unique situation and addressing systemic barriers that people may face.



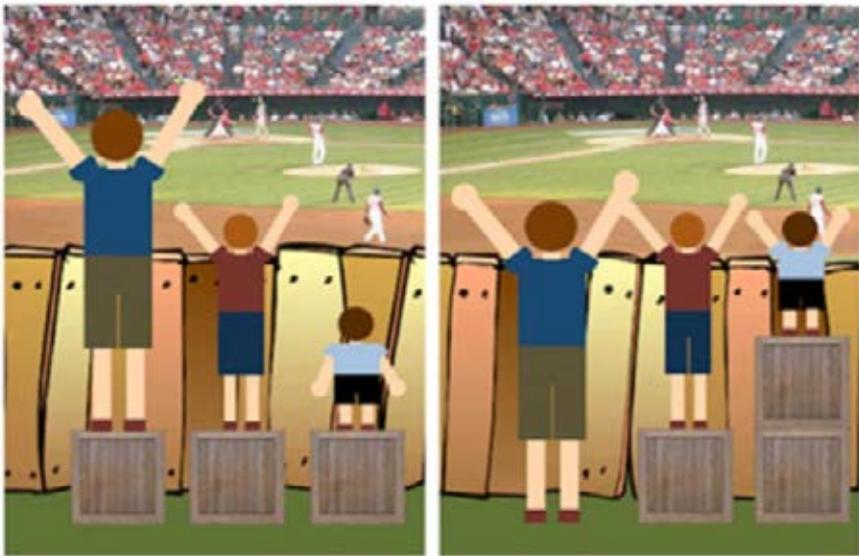
Advancing equity helps stewards create more respectful and positive unions, and helps unions address issues that affect all workers in our workplaces.

THE DIFFERENCE BETWEEN EQUALITY AND EQUITY

Sometimes we think we are treating people equally – but we don't notice that the end result isn't actually fairness or justice. But when we consider equity as the outcome, rather than equality as the treatment, we might make different decisions.

The famous picture below demonstrates the difference when we apply an equity lens. The difference is the outcome.

In the picture on the left, everyone is treated the same way, or equally – each child gets their own box to stand on to see over the wall. But the result isn't fair. So while there is equality in how they are treated, there is not justice in the outcome.



The picture in the middle points to a better solution. See how the boxes are distributed differently depending on need. This changes things and produces an outcome that is equitable, even if the children are being treated differently. Now, all of them can see over the wall.

But here's the kicker. There's a third aspect to consider. Check out the picture on the right, where the systemic barrier – the wall – is removed.

This makes it possible for everyone to watch the game unhindered. When the systemic barrier is removed, it's a lot easier to create equity without the need for special supports.

Unions advocate an equity approach because of the persistent presence of systemic discrimination in our society.



UNDERSTANDING SYSTEMIC DISCRIMINATION

Stewards can make a real difference in the lives of their members once they realize that different types of discrimination exist and know how they persist.

Discrimination might be obvious or subtle, and it might stem from an individual's behaviour or from a more complex cause. A member might feel excluded because of something somebody did – or didn't do – to them personally. But a member can also experience discrimination caused by a more systemic reason.

“Systemic” means the problematic behaviour exists at a broader level, for example as part of an organizational culture, or a wider social oppression, and not just because of a few individuals.

Obviously, stewards can't do the employer's job and manage the workplace. However, creating an inclusive and positive union experience for all your members is good trade union practice. More than that, it's a core union responsibility to represent all members fairly, and you can't do this without being inclusive.



DISCRIMINATION: PERSONAL, ORGANIZATIONAL, SYSTEMIC

An equity and inclusion approach asks stewards to remember that barriers can take place at various levels at the same time: at a personal level, at an organizational or institutional level, and at the level of social and economic systems.

Personal

An individual's day-to-day experience of inclusion or exclusion, power or powerlessness, visibility or invisibility, privilege or abuse. Your members can face daily oppressions as they go about their daily lives.

Organizational

Oppression can manifest in a more "organized" way in a workplace, whether it's a company, institution or organization.

Systemic

Inequality, power imbalances and privilege are maintained at the social level across political and economic systems. For individuals, this might play out in unequal access to education, social services, political influence and economic power and position.

All of these combine to maintain exclusion and divide us as workers and members of the community. Depending on who you are (your own "social location"), you might think of equity and inclusion as a way to understand someone's differences or their experience. As a steward, this can help you do a better job of advocating for your member or addressing their concerns.



EXAMPLES OF SYSTEMIC DISCRIMINATION

Understanding how inequities occur can be complex. Read below for some examples. Can you see how these issues are systemic, and broader than problems at the individual level?

- *Aboriginal workers often face racism and exclusion in the job market, and have to resist anti-indigenous sentiment across Canada.*
- *Lesbian, gay, bisexual, two-spirited, trans and queer (LGBTQ) workers often experience discrimination in the workplace. This can surface through hostility, unequal treatment, social isolation, homophobia, transphobia and even violence.*
- *Women often face additional barriers because of race, disability, Aboriginal status, age, sexuality and gender identity and expression. They are often paid less than men.*
- *Workers of colour often face discrimination, prejudice and overt racism in the labour market.*
- *Young workers make up nearly a third of the population of Canada – yet their interests are underrepresented in government and public policy decisions, even though they're twice as likely to be unemployed.*
- *Workers with disabilities often face multiple struggles such as living and thriving with their disability – and being properly accommodated in the job market.*

This might seem like a lot to keep in mind, but it's really just about understanding where your members might be coming from or what they might have experienced. A central question is: "Does your member feel discriminated against in the workplace or in this particular situation because of a systemic barrier, organizational practice or individual experience?"

Workers from marginalized groups tend to experience these barriers disproportionately. This experience will inform what your members' different concerns are and what the remedies might be.



ENGAGING MEMBERS, BUILDING EQUITY

Unions make our workplaces fairer and more just when they apply this kind of equity lens. Remember, the main job of a union steward is to represent all your members fairly. You can only really do that when you know who your members are, and when you know their challenges, struggles and triumphs. An equity lens helps our members see that our unions are vital and relevant to their lives.

Using an equity lens helps us identify barriers that keep our members from achieving justice. The best way stewards can discover what the barriers might be is to talk to – and listen to – their members. For more on listening to our members, see the chapter on “Member Engagement”.

ASK YOURSELF! TEN QUESTIONS TO HELP STEWARDS APPLY AN EQUITY LENS

1. *What is an equity lens?*
2. *Why is an equity lens important?*
3. *How is equity different from equality?*
4. *What is the impact of these forms of oppression on the affected people?*
5. *What is the impact on those people not directly affected?*
6. *How is the workplace as a whole impacted by systemic discrimination?*
7. *How is the union as a whole impacted by these forms of systemic discrimination?*
8. *What is the role of the union in creating positive change?*
9. *What is your role as a steward in creating positive change?*
10. *Do your local's practices (meetings, communications, information sharing and leadership) move towards or away from inclusiveness?*



HARASSMENT VS DISCRIMINATION

Sometimes discrimination takes the form of harassment. Harassment means using real or perceived power to abuse, devalue or humiliate someone else through communication that is verbal, written or online. Whereas one might hold thoughts that are discriminatory, harassment is the acting on those thoughts – at someone else’s expense. See the chapter “Dealing with Harassment” for more information.

OPPRESSION

Oppressions are social forces that rank people above or below one another. These divisions serve to exclude and marginalize individuals and groups. When groups are marginalized, inequality grows. Systemic barriers like racism, sexism, heterosexism and classism are examples of forms of oppression that prevent people coming together in solidarity. As union stewards, your role is to build solidarity. This makes combating oppression part of the job.

WHAT WOULD AN ANTI-OPPRESSIVE FRAMEWORK LOOK LIKE FOR A STEWARD?

Oppression is about power. Anti-oppression is about balancing power. An anti-oppression approach helps stewards recognize that in all relationships, there exist power imbalances. We can all relate to that to one degree or another in the workplace. But workers from marginalized groups tend to experience these imbalances disproportionately, and this reality affects your members’ different concerns and what the remedies might be. Thinking in terms of anti-oppression helps you address any power imbalances that might exist.

ASK YOURSELF, “WHAT’S BELOW THE SURFACE?”

What happens on the surface of any given situation may not be the entire story. This is why our equity lens helps us see all the possible levels of a situation: the personal level, institutional level, or systemic level. Your equity lens will help you see these levels.



THE CLC'S "CODE OF CONDUCT" (2021 CONVENTION)

Human rights and solidarity are two fundamental principles in the labour movement. As trade unionists, mutual respect, cooperation and understanding are our goals.

Behaviour that undermines the dignity of any individual or creates an intimidating, hostile or offensive environment is inconsistent with the labour movement's values and prevents us from working together to strengthen our movement.

The Canadian Labour Congress (CLC) is committed to providing a respectful environment free from discrimination and harassment for all who attend a CLC Convention, school, conference or other CLC event or activity, in person and online.

Discrimination in any form will not be tolerated.

Discrimination is defined as an action or a decision that mistreats a person or a group for reasons such as gender, gender identity and expression, sexual orientation, age, disability, physical appearance, body size, race, ethnicity, and religion. These reasons, also called grounds, are protected under the *Canadian Human Rights Act*.

Harassment is a form of discrimination.

Harassment is defined as any action (verbal, psychological, sexual or physical) on a single or repeated basis, which humiliates or degrades and is known or ought reasonably to be known to be unwelcome.

Harassment includes, but is not limited to, offensive comments related to the reasons or "grounds" listed above under discrimination. It also includes sexual images in public spaces, deliberate intimidation, stalking, harassing photography or recording, inappropriate physical contact, and unwelcome sexual attention. Bullying is a form of harassment.

Discrimination and harassment have the potential to create lasting damage and divisions. The CLC's policies and practices reflect our commitment to equity and inclusion and aim to ensure that the dignity and equality of all is respected.

The CLC Code of Conduct applies to everyone who takes part in a CLC event, in person and online.





DEALING WITH HARASSMENT



DEALING WITH HARASSMENT

Learn how to deal with harassment with skill and clarity.

UNDERSTANDING HARASSMENT

The CLC's Equality Statement points out that discrimination can take the form of harassment, which is the "use of real or perceived power to abuse, devalue or humiliate."

Harassing behaviour is unwelcome, unwanted and uninvited; it may be expressed verbally or physically; it is usually coercive, and it can occur as a single incident or on a repeated basis. It comprises actions, attitudes, language or gestures which the harasser knows, or ought reasonably to know, are abusive, unwelcome and wrong.

Workplace harassment can come from management or from co-workers. However it presents itself, its purpose is the same: the expression of the perceived power of one person over another.

As unionists, we would like to believe that harassment mostly comes from management towards an employee. However, studies have shown that in fact significant harassment exists between co-workers. This "horizontal hostility" creates a demoralizing, intimidating and poisoned work environment.

Harassment damages the solidarity of the union membership. This makes it vital that the union steward lead by example and be able to communicate to the membership that harassment will not be tolerated.



WHAT TO DO WHEN A MEMBER COMPLAINS OF HARASSMENT

Take the Complaint Seriously

It takes a lot of courage to come forward with a complaint against either management or a fellow co-worker.

Speak Calmly

Try to alleviate some of the tension the member is feeling. You may point out that you know discussing the incident(s) is uncomfortable for them. Assure them that harassment is not a personal matter but rather a widespread work problem and that the union takes it very seriously.

Validate the Member's Concern

If members feel they aren't believed, they won't come forward, allowing harassment to continue.

Advise Them to Write It All Down

Encourage the member to keep careful notes and to be as specific as possible. Tell them to record "who, what, when, where and how."

Be in Solidarity

Assure the person who is being harassed that the union is fully behind them and that it will do everything possible to stop this behaviour.

HOW TO TAKE ACTION WHEN MANAGEMENT IS DOING THE HARASSING

This is probably the least complicated scenario for a steward. After talking with the member who is being harassed, you, as steward, should meet with your local officers and/or members of the human rights or equality committee (if applicable).



Explain the facts and ask that they arrange a meeting with the superior of the supervisor who is doing the harassing.

Request that someone from the relevant committee accompany you to the meeting. This will provide you with a reliable witness to your meeting. It also shows management that the union takes these allegations very seriously and is strongly behind the person who is being harassed.

Tell management that one of their supervisors is engaging in behaviour that could place the company in serious trouble. Name the supervisor involved but do not name the member. Often, a member will suffer further abuse when a supervisor knows that a complaint has been lodged. Inform management that if the supervisor's behaviour doesn't change the union will be forced to file a grievance.

HOW TO TAKE ACTION WHEN A CO-WORKER DOES THE HARASSING

This is always a difficult situation for any steward to deal with. Each union will have its own particular way of handling this, but below are some guidelines.

Your first obligation is to the one who is being harassed. This cuts across all lines of friendship. As a leader and union representative, all of your members must feel confident that they can come to you with their problems.

If you receive a complaint, or if you see someone exhibiting abusive or harassing behaviour or actions, arrange to speak privately to the harasser. Be firm. Tell them that harassing behaviour will not be tolerated and that hurting someone else is not funny. Tell them also that if they continue harassing, they will be in serious trouble and that the union may not be able to defend them since harassment is illegal.

If there is no change in behaviour, you and the union must take further steps.



CHECK YOUR COLLECTIVE AGREEMENT

Most collective agreements contain a “no discrimination” clause, where management ensures that the workplace will be free of all forms of discrimination and harassment. It might read something like, “It is agreed that there shall be no discrimination, interference, restriction, coercion, harassment, intimidation or stronger disciplinary action exercised or practiced with respect to an employee by reason of age, race, creed, colour, national origin, political or religious affiliation, sex, sexual orientation or membership or activity in the union.”

If your collective agreement contains a clause like this, then you would grieve management for allowing this situation to occur. If you do not have this clause, then you probably have one where management “ensures a healthy and safe environment,” which can also be used. Press your union to include a “no discrimination” clause, however, in the next round of negotiations. The stronger language of this clause sends a very clear message to all parties (management and workers alike) that discrimination of any sort will not be tolerated.

If in doubt, consult with your union leadership and/or union staff representative for guidance.



HOW CAN WE FIGHT HARASSMENT?

Be an Example

Speak out against oppressive behaviour or “jokes” that undermine solidarity.

Educate Your Members

Work with your membership to explore the issues around oppression and harassment in formal and informal educational environments, from lunchtime discussions to workshops to trainings.

Get Help

Bring in experts on equity, inclusion and cross-cultural communications to lead trainings at your local.

Communicate Clearly

Tell your members that if anyone feels they have a problem, they can speak to you in complete confidence.

Recognize Diversity as Reality – and Opportunity

Your members are diverse and include people from equity-seeking groups, including people of colour, Aboriginal people, people who are gay, lesbian, bisexual, queer or transgendered, or members who have physical or mental disabilities. For more, see the chapter on Equity and Inclusion.





THE COLLECTIVE AGREEMENT



THE COLLECTIVE AGREEMENT

Get to know your contract. You don't have to memorize it word-for-word, but you should know where to find relevant provisions.

Written collective agreements (or contracts) specify a unionized workplace's working conditions, wages and benefits.

Contracts are the symbol of the workers' acceptance of the union as their bargaining agent. That's why unions fight for good contracts, and that's why many bitter disputes and strikes have been fought to force employers to sign contracts.

They are hammered out by representatives of the employer and the union, usually after weeks of negotiation. The bargaining committee is helped by union staff experts who know how to negotiate and know current bargaining trends. Employers use a whole battery of experts to negotiate on their behalf.

Contracts are essentially compromises between the employer and the union. That said, there are no unimportant clauses. If there were, unions wouldn't fight so hard to put them in. If you disregard one clause, or let the employer break it at will, you will have a much tougher job trying to enforce the sections you want enforced. The contract is like a set of rules that says, "This is the way things should be." But, like traffic laws, the contract isn't always followed. And the contract doesn't enforce itself – that's where stewards come in.



THE CONTRACT AND THE STEWARD

It's the steward's job to watch for contract violations and to speak on behalf of workers who are affected by those violations. If you don't enforce the contract's provisions – through the formal process called the grievance process – then the contract is worthless.

Not all complaints become grievances. But grievances do grow out of the problems, the dissatisfactions, complaints and hopes of the membership. By handling these problems correctly, you bring the union in close touch with the membership. Of course, there are going to be grievances you won't know how to handle. When this happens, don't be afraid to ask for advice.

Contract clauses can always be interpreted in different ways, and the guidelines below might explain some of those differences. They aren't firm rules, however. There will always be exceptions, but you should find that most of these will help you decide whether you have a grievance or not.

What Was the Intent of the Parties Who Wrote the Agreement?

Example: A contract may say that holiday pay will be allowed to all employees who work the day before the holiday. What if management closes the workplace the day before each holiday so that no one could ever receive holiday pay? An arbitrator might rule that the intent of the contract's authors was for eligible employees to get that holiday pay, and that, therefore, the management violated the contract by preventing them from qualifying.

The Contract Should Be Interpreted as a Whole

One part may support your position; another part may deny it. You cannot pick out the part that supports you and ignore the rest. Your interpretation must be reconciled to the other provisions of the contract, and it must be consistent with them.



If the Wording of the Contract Is Clear and Definite, It Will Generally Prevail

Example: If the contract specifies that workers will receive two hours for an emergency call, even though they had received three hours for a number of years, an arbitrator would be forced to uphold the wording of the contract, not the practice.

If the Wording of the Contract Is Vague and Indefinite, the Interpretation of the Parties and Their Practices Will Carry Considerable Weight

Example: The contract may say that an employee receiving an emergency call will be paid extra – without saying how much extra. For the past five years, workers have been paid three hours for this work. It may be assumed that both parties to the agreement recognized that three hours was the proper pay in this instance. Past practice will be considered by an arbitrator only to resolve an ambiguity in the agreement.

Decisions Made in Similar Cases in the Past Affect Decisions in Present Cases, Particularly If the Same Parties Were Involved

Arbitrators are not bound by precedent, but decisions of other arbitrators carry considerable weight. If the previous settlement was wrong or made in error, then you should show how the error was made.

Express (Written) Provisions Imply the Exclusion of Everything Not Mentioned

Example: If the contract states that paid holidays will be given on New Year's Day, Labour Day, Thanksgiving and Christmas, it implies that paid holidays will not be given on other days, such as Victoria Day or Boxing Day.



Implied (Unwritten) Provisions May Exist If They Are Consistent With the Express (Written) Provisions

Example: One part of the contract may provide for rest and lunch periods during the regular shift; another part may provide for emergency workers but makes no mention of rest and lunch periods. The implication of both express provisions, interpreted together, is that the emergency workers should have the same allowance.

When Both General and Special Provisions Concern the Same Thing, the Special Provisions Will Generally Prevail

Example: If one rule says all employees who drive company cars to the work location get one hour allowance, and another rule says that employees who drive company cars to the work site and are permitted to take them home get half an hour allowance, the special rule about cars taken home gets priority over the general rule about company cars.

A Reasonable Interpretation Will Prevail Over One That Is Unreasonable or Absurd

Example: If you can show that under the management's interpretation of the holiday rule no worker would be eligible for some holidays, while under your interpretation most worker would be eligible under most occasions – your position would be upheld.

A NOTE ON MANAGEMENT’S RIGHTS

A common management position is that if something is not specifically limited in the collective agreement, management has the residual power to do it.

Some arbitrators say a specific provision in the contract is necessary to limit management’s rights. Others take the view that limits on management rights are not necessarily restricted to those contained in specific provisions. They may be “implied obligations” or “implied limitations” under some general provision of the agreement such as the recognition clause, or seniority provisions.

Arbitrators have also been known to modify residual rights by imposing a standard of reasonableness as an implied term of the agreement. Certainly, many arbitrators are reluctant to uphold arbitrary, capricious or bad faith managerial actions that adversely affect bargaining unit employees. It should also be noted that even where the agreement expressly states a management right, or gives it discretion, management’s action must not be arbitrary, capricious or in bad faith.





WHAT IS A GRIEVANCE?



WHAT IS A GRIEVANCE?

A big part of the steward's job is dealing with grievances. Start your learning here.

A grievance is a violation of the employee's rights on the job, whether under the collective agreement or under legislation. Not all complaints are grievances. They must clearly violate either the contract/collective agreement, the law, the employee's rights, or a past practice.

CONTRACT VIOLATION

If the grievance is a clear-cut violation of the contract, it will be easy to prove. If it involves an interpretation of the contract, it might be harder, so knowing jurisprudence (arbitration decisions) will help.

VIOLATION OF A FEDERAL OR PROVINCIAL LAW

Here you will have the option of filing a grievance or going to the appropriate government agency to get redress – or both. Examples include a worker refusing work they consider unsafe, or a worker complaining of racial or sexual harassment by management. In such cases, the steward should go through internal union channels, and a decision may be made to lodge a complaint with the appropriate government agency at the same time. See if your union has incorporated the relevant law in your collective agreement. Some unions specify and define the violation of provincial laws as grievances in their collective agreements.

VIOLATION OF A PAST PRACTICE IN THE WORKPLACE

This can be the basis for a grievance, particularly in areas where the contract is silent or unclear. Where a past practice has been violated by management, an employee may have a real grievance. The only relevance of past practice is to clarify (but not to alter) the collective agreement where it is ambiguous or unclear.



To Be Considered a “Past Practice,” the Practice Must Be:

- ✓ *Repeated over an extended period of time;*
- ✓ *Accepted explicitly or implicitly by both workers and management, e.g. by verbal agreement or in writing, without either side formally objecting; or*
- ✓ *Something that violates the contract, but with neither side demanding that this part of the contract be enforced.*

A claim of past practice cannot be relied upon unless the collective agreement contains a specific provision to that effect. One example of this is the following clause: “The rights, benefits, privileges and working conditions which members of the union now enjoy will continue in effect insofar as they are consistent with the terms of this agreement.”

VIOLATION OF EMPLOYEE’S RIGHTS

Like “past practice,” the union must have a clear-cut, well-documented case of a rights violation. These kinds of grievances arise when management treats workers unfairly or unequally. These grievances are hard to fight and win so the local union should try to ensure that any problems concerning employees’ rights are safeguarded in writing – in the collective agreement.

WHEN A MEMBER HAS A COMPLAINT

The first thing to do is get the facts. Listen to their story. Ask yourself: Does it violate the contract? The law? A past practice? Their rights? If the answer is yes, chances are the complaint you have is a legitimate grievance.



Whether the complaint is a legitimate grievance or not, the employee is concerned enough to come to you with a problem. This concern demands action on your part to clarify or correct the situation. If you answered “no” to whether the problem violated the collective agreement, past practice, a law or the employee’s rights, then you have a complaint rather than a grievance.

Complaints must be dealt with. If an employee alleges there has been a violation of the collective agreement, explain why it is not. A worker may think they have a grievance because they don’t understand the contract. They may claim that they are entitled to vacation pay, for example, when a careful reading of the contract shows that they haven’t enough service to qualify.

A grievance is a complaint against management. So, it’s not a grievance if two workers have a personal disagreement. If Jane and Bob can’t agree whether the window should be open or shut, that’s not a grievance. The exception to this rule is harassment (see the chapter on Harassment).

BENEFIT OF THE DOUBT

If you have a borderline case between complaint and grievance, give the employee the benefit of the doubt. Say you are not sure about it and then ask for help from the Chief Steward or the Grievance Committee. When you have discussed the matter with them, go back to the member and report on your discussion. It is important to keep the member informed at all times. Don’t go out on a limb promising action when you are not sure. Rash promises often boomerang, labelling the steward unreliable.





TYPES OF GRIEVANCES



TYPES OF GRIEVANCES

A steward can classify grievances according to where they come from and how they arise. We also classify grievances according to who is affected.

INDIVIDUAL GRIEVANCE

An individual grievance is a complaint that an action by management has violated the rights of an individual as set out in the collective agreement, law or some unfair practice.

The steward – not the member – files the grievance. When an individual's rights have been violated and that person refuses to file a grievance, you should file the grievance on behalf of the union – especially if the contract specifically permits it. In this way, you will defend the collective agreement and protect the rights of all employees covered by it. Management's argument that you cannot file an individual grievance on behalf of the union is false.

Examples of Grievances:

- *Discipline*
- *Demotion*
- *Harassment*
- *Classification Disputes*
- *Denial of Benefits, etc.*



GROUP GRIEVANCE

A group grievance is a complaint by a group of individuals, for example, a department or a shift, that has been affected the same way and at the same time by an action taken by management. For example, the employer refuses to pay a shift premium to the employees who work an afternoon shift when the contract entitles them to it. (If the grievance is asking for monetary compensation, make sure that all those involved sign the grievance. Arbitrators have been known to “award” the grievance yet only give compensation to those who have signed.)

POLICY GRIEVANCE

A policy grievance is a complaint by the union that an action of management (or its failure or refusal to act) is a violation of the agreement that could affect all who are covered by the agreement. For example, management assigns a steady day-shift employee to work on an off-shift without regard to seniority. The union might grieve in an effort to establish that seniority must be considered in such an assignment, even though the individual involved might have no complaints against the shift change.

The point is that the outcome or the precedent of the grievance may have a detrimental effect on the local union at some point in the future and the union must change it. Normally you would not deal directly with this type of grievance other than to provide the necessary investigation. Policy grievances are normally filed by the local or national levels.



UNION GRIEVANCE

A union grievance may involve a dispute arising directly between the parties to the collective agreement. For example, the union would grieve on its own behalf if the management failed to deduct union dues as specified by the collective agreement. In these cases, the union grievance is one in which the union considers its rights to have been violated and not just the rights of individuals in the local union.





INVESTIGATING THE GRIEVANCE



INVESTIGATING THE GRIEVANCE

In dealing with any grievance, it's vital to get the facts. Here's how.

Settling grievances is one of the steward's most important jobs. It might look difficult, but it really isn't that difficult. You need:

- *Courage*
- *Common Sense*
- *Some Rules to Follow*

GET THE FACTS

When a worker comes to you with a complaint, the first thing to do is to get the facts. (Only then can you decide whether it's a grievance or not.) Listen to their story patiently, then ask them specific questions.

Remember the “6 W's”:

- *Who*
- *What*
- *When*
- *Where*
- *Why*
- *Want*

Don't be satisfied with vague statements like “The supervisor's picking on me” or “They're giving us too much work.” Ask the questions that will give you all the necessary information.

Sometimes, members assume you know more about what is going on than they do – including the facts of their complaint.



GET A STATEMENT

Once you have gotten the facts, investigate promptly. Have grievors write down the full story themselves, giving names, dates and places. Advise grievors to use actual quotes in relating things they have heard or were told. The actual words may be important. Have the grievor sign and date the statement. It will be useful for refreshing the memory before any hearing.

GET PERMISSION

Remember, if your contract requires that you ask permission of the supervisor to leave your job in order to investigate a grievance, do so! It is your duty to uphold the agreement, but flouting your supervisor's authority is not going to help you win grievances.

GET WITNESSES

Collect statements from all available witnesses, signed and dated. Interview not only those witnesses who support the grievor but also those who don't. This can help you find out what really happened, and to know what you are up against.

WRITE IT ALL UP

Once you have completed your investigation, you should make a written record to ensure that key points are not forgotten or distorted when passed from one person to another.



BE PATIENT

Months may elapse between the events giving rise to a grievance and its final settlement at arbitration.

WHODUNIT? MANAGEMENT, MOST LIKELY

A grievance is like a detective story – you must sift through all the evidence before you know who did what. It is very important to treat every investigation and every grievance as if it was going to arbitration. If it ever does, you'll be prepared!





GRIEVANCE PREPARATION



GRIEVANCE PREPARATION

WHO IS INVOLVED IN THE GRIEVANCE?

- ✓ *Name, contact info, Social Insurance Number*
- ✓ *Work location, department, date of appointment, classification*
- ✓ *Name of supervisor, supervisor's position and witnesses*
- ✓ *The grievor's record (including absentee record, production record, disciplinary record and lateness record, age, family status)*

GET THE FACTS

- ✓ *When did the grievance occur? Date and time.*
- ✓ *Where did the grievance occur? Exact location, department, machine, aisle, etc.*
- ✓ *Why is this a grievance? What has been violated? The contract? Past practice? A law? Personal rights?*
- ✓ *What happened that caused the violation? What is involved?*
- ✓ *What is management's contention?*

IDENTIFY THE REMEDY YOU WANT

- ✓ *What do you want? What needs to happen to correct the injustice?*
- ✓ *Ask for full redress*
- ✓ *Typically, you want the employer to place the aggrieved in the same position they would have been had the grievance not occurred*

REVIEW YOUR MATERIAL

- ✓ *Do you have all the facts?*
- ✓ *Seek out more experienced stewards and local union officers.*
- ✓ *Check the facts with the contract, supplementary agreements, precedents or past practice, policies or department rules and arbitration awards.*





WRITING THE GRIEVANCE



WRITING THE GRIEVANCE

It's all in the details. Learn how to write your grievance properly.

There is a difference between writing a grievance for presentation to the employer and writing an investigative fact sheet for the union's record. The official grievance should contain only facts and a statement of claim – as distinct from your “facts sheet” which is for your use only.

Tip:

- *Be organized*
- *Be neat*
- *Make copies (one for employer, union, employee, and yourself)*

WRITING THE FORMAL GRIEVANCE

If you specify a clause of the collective agreement in a dispute, always include the phrase “and/or any other clause in the collective agreement which may be applicable.” This will give you more flexibility later.

What do you want? Full redress. Write “full redress” on the grievance form, which should cover all aspects of the grievor's claim.

SAMPLE GRIEVANCE

A grievance might be written like the following:

Statement of Grievance: The union is grieving because the actions of management violate Article 10.01 and/or any other clause in the collective agreement which may be applicable.

Settlement Required: Full redress.



GRIEVANCE JITTERS?

Sometimes, members may not want to submit a grievance. That is normal. They might be fearful for their job. They don't want to upset their supervisor. Maybe they don't want to be branded a "trouble-maker".

It can be tricky. But it's your job as steward to safeguard and uphold the contract. If you allow a bad practice to continue, it can eventually be considered a past practice and, therefore, damaging to the contract. Sometimes, this means filing a grievance even if the worker involved doesn't want to.

WHAT IF THE WORKER WANTS TO DROP THEIR COMPLAINT?

Investigate it as you normally would with any other grievance. If you find it justified, sign it yourself, or get the grievance committee or union executive to sign it.

You can do this under your authority as a steward. It is an effective method, as it gets around the workers' fear of signing or pulling their grievance. But it may place a heavy responsibility on you as a working employee. The employer may try to pressure you into withdrawing the complaint.

THERE IS POWER IN THE UNION

An even better solution may be to present the written grievance as authorized by the local through an authorized membership meeting. In this manner, the steward, or president, or secretary of the grievance committee can sign it "authorized by the local above the signature."

When the grievance is filed in this manner, it comes from the large, impersonal union and the employer cannot put pressure on either you or your member. If you press a grievance that a worker won't sign or wants to drop, your decision to carry it should be based on one dominant factor – what is best for all the membership!



REMEMBER...

Be Comprehensive and Keep It Simple

The grievance should state the nature of the complaint, allege that the employer's action is contrary to specific articles of the contract, and demand full redress. The written grievance should be no more than a clear short statement of the main facts and the claim.

Keep Working Unless Unsafe

Generally speaking, employees should be advised to "obey orders now and grieve later" unless the order is illegal, unhealthy or unsafe.

Stay Within Time Limit

If you miss the timeline, don't abandon the grievance. You may be able to overcome the employer's objection to timeliness upon a number of legal grounds. The employer should advise the union and the grievor at the time the grievance is presented if they object. If the employer receives the grievance and processes it without stating a position that the time limits have been breached, an arbitrator would likely deem the employer has waived their right to object. If time limits have been breached and the employer specifically refuses to accept the grievance for this reason, it does not mean that the grievance is automatically lost. The grievor still has the right to request that the case proceed to arbitration at which time the arbitrator would decide whether or not the board had jurisdiction in view of the late filing. If you seek an extension of time limits from management, get their agreement in writing. Should management fail to comply with the time limits, move the grievance to the next step.

Investigate Promptly

People forget.



Get the Grievor's Statement in Full

Have it signed and dated. Get the grievor's full employment history and disciplinary record.

Compile Relevant Documents

Gather all available documents, e.g. letters, doctor's notes, etc.

Check In

Ask the grievor if there are other reasons for management's actions other than what management has stated.

Take Notes

Make notes of meetings with management and write down their response. Sign and date these notes and pass them to the union representative who will be at the arbitration hearing.

Withdraw Properly

If you are going to withdraw a grievance, do so "without prejudice." You may indicate that you disapprove of the employer's action but, for example, don't wish to pursue the grievance because the grievor has quit and moved away.

Act in Good Faith

Remember that unions have a duty to represent employees in good faith. You do not have to carry every grievance to arbitration but you must make that judgment to carry a grievance or not in good faith. You cannot ignore the grievance or drop it for discriminatory or arbitrary reasons.

Be Militant and Reasonable

The steward has the right to do their job properly without fear of retaliation but there are some limits on their behaviour. The steward cannot, for example, counsel employees to disobey management orders – unless the request is unsafe or illegal, of course.



Keep Things Confidential

The grievance will be used by the union to build a case for the grievor. The confidentiality of this investigation cannot be stressed enough. In grievance meetings, management will receive a copy of the written grievance form and whatever oral arguments are necessary to prove the union's case. Background information in the grievance report is to be used in the preparation of oral arguments by the union. In many cases, it could be detrimental to the grievance if all the information contained in the report were to be made known to management.

Be Wise

Grievances are often like court cases. One only admits what one has to admit. If a grievor is being disciplined for having been caught sleeping on the job by a supervisor, it would not be helpful to their case if the union were to inform management that the grievor often sleeps on the job and this is the first time they were caught.





THE GRIEVANCE PROCEDURE



THE GRIEVANCE PROCEDURE

LEARN THE STEPS, FOLLOW THE STEPS, WIN THE GRIEVANCE

Every contract contains a section called the grievance procedure. Study it. Grievances can be lost by not following the correct procedure and by not observing time limits.

A typical grievance procedure might have three or four steps. These steps will tell you which level of management is to be approached at each step, as well as the time you have to submit the grievance and appeal to the next stage where necessary. Those closest to the dispute, both on behalf of the union and of management, should first try to reach a settlement. If they are unsuccessful, then representatives with more authority from both sides are brought in as the grievance progresses, ending in arbitration.

There are advantages to settling the grievance at the lowest step possible. For the steward, settling a grievance at the first stage will add to your reputation and authority with the members and your supervisor. The higher up you go in the grievance procedure, the harder it will be to settle the grievance because each side will have more to lose. Management does not like to have to overrule their personnel and will stand behind them. This could lead to a time-consuming and expensive fight in arbitration.



STEWARD BE NIMBLE, STEWARD BE QUICK!

Try to settle the grievance as soon as possible. If there is a time limitation on grievances don't be afraid to invoke it. If none exist, keep after the supervisor or file a grievance charging the supervisor with stalling. If you ask to have the settlement applied retroactively to the date the grievance was presented, this will reduce any tendency on the part of management to stall.

Each step of the grievance procedure will likely have a time limit. Management has a stated period of time within which it must give a reply to the union; the union has a stated period of time within which it must announce any intention to appeal the grievance. If management fails to comply with the time limits, move the grievance to the next step.

Sometimes, however, you will find that either the union or management may raise a point during a grievance hearing that requires further investigation and may make it difficult to reply or proceed to the next stage within the time limits. In this case, either party may request an extension or waiver of the time limits, subject to the other party's agreement – always in writing.

In some contracts the first stage of the grievance procedure is a verbal presentation involving the steward, the grievor and the supervisor. The grievance is only presented in writing if settlement is not reached at the verbal presentation involving the steward, the grievor and the supervisor. When proceeding to the second stage, the written grievance must be submitted within the time limitations set out in your agreement for the first stage.

Even if settlement is reached verbally, however, it is still important for the steward to keep a record of the grievance for union files – it might prove useful should the same or similar situation arise once more. This is handy information for the committee in negotiations. In some contracts, the first stage of the grievance procedure might require formal presentation of a written grievance when you, the grievor, and the supervisor meet.



PRESENTING A GRIEVANCE

- ✓ *Settle the grievance on the spot whenever possible.*
- ✓ *Know the facts and stick to them.*
- ✓ *Plan carefully and be decisive.*
- ✓ *Keep within the grievance process time limit.*
- ✓ *Never skip a step – management might seek dismissal from an arbitrator and say the process wasn't followed.*
- ✓ *Anticipate the employer's objections.*
- ✓ *Be confident and positive.*
- ✓ *Be militant – and reasonable.*
- ✓ *Stick to the point.*
- ✓ *Disagree with dignity.*
- ✓ *Have notes/memory aides at hand.*
- ✓ *Throw the burden of proof on management.*
- ✓ *Try to understand the other side's point of view, but never lose sight of your own.*
- ✓ *Avoid threats, insults and bluffs.*
- ✓ *Control your temper – but feel free to give as good as you get.*
- ✓ *Maintain unity if you bring the grievor to the meeting. Use your discretion if the situation warrants meeting with management alone.*
- ✓ *Don't rush to "trade" this grievance outcome for that one; consult your union reps.*
- ✓ *Don't reveal facts prematurely; wait until the right moment. That moment might be at Step 2 of the process, or even 3.*
- ✓ *Remember, stewards are equal in status to the employer.*
- ✓ *Don't brag about victories over management. Give the other person a chance to save face – you may want to save yours someday.*



Remember, workers don't file and process grievances, the union does. Employees usually don't have the requisite experience. They may not know the process and they may not know how to handle the supervisor (plus they don't have the protection of being a union representative). They might be "too close" to the complaint and get locked into a personal conflict. Lastly, management may scare the grievor into dropping it by bringing up some other irrelevant matter.

A NOTE ON THE STEWARD-SUPERVISOR RELATIONSHIP

A good working relationship between steward and supervisor makes both your jobs easier. In union-management relationships, the supervisor (backed by management) and the steward (backed by the union) are equals – sharing responsibility for successful labour relations.

The two of you will have to discuss and settle many knotty problems. A friendly but business-like relationship right from the start will help a lot. But of course, your first aim in any grievance session is to win justice for your fellow workers whose rights have been violated.

Remember, supervisors are people too! They respond to pressure and to common sense.







ARBITRATION



ARBITRATION

Learn when and why to use a neutral third party to resolve a dispute.

Arbitration is the final appeal and is a hearing before an impartial third party chosen by the mutual consent of union and management. If the union and management cannot agree, there is a provision in the Canadian Labour Code for the provincial, territorial or federal Minister of Labour to make the appointment.

Some contracts provide for a single arbitrator, usually named in the collective agreement. The single arbitrator hears the case and then writes the decision which is binding on both sides.

Other contracts provide for an Arbitration Board made up of one nominee from the union and one nominee from management. Following consultation, the union and management nominees choose a mutually acceptable chairperson or, failing that, an arbitrator appointed by the Minister of Labour. In this instance, it is the three-person board which will hear the case, with the chairperson retiring to write the decision. The decision of the chairperson is submitted to the board members who will sign in agreement or submit a written dissension. The majority decision of the board is binding on both parties.

The arbitrator or board only has authority to interpret the agreement as written. They are not allowed to amend, alter, add to, or take away any provisions contained within the agreement.

The arbitrator or board is also restricted to dealing with the grievance as presented. For this reason, many unions require the previously mentioned general statements of the grievance on the grievance forms so they are not restricted to a single clause or section of the agreement at a later date causing them to restrict the scope of their case.





THE UNION



THE UNION

Unions in Canada and around the world have a long and proud history of making things better for workers, their families and communities.

Canada's unions have a long history of standing up for working people and winning victories that resulted in important changes to workplaces and Canadian society as a whole.

Throughout most of the 1800s, unions were illegal. Legislation prohibited workers from organizing, joining or even talking about unions. The penalties for organizing were stiff: fines, jail, or worse – being shut out of the job market entirely.

Still, organizing did happen. Workers met in secret, with the knowledge that they would have a better chance of improving their lives by working together and speaking with one voice rather than as individuals. Fear of reprisal made workers protect each other's identity and use the terms "Brother" and "Sister" instead of their real names. Today many workers still refer to each other as Brother and Sister as a form of respect and remembrance to those who risked their livelihood to build the labour movement we have today.



TORONTO PRINTERS STRIKE GETS (SOME OF) THE GOODS

It wasn't until 1872, an election year, when legislation came forward to legalize unions. The Toronto Printers Guild mounted a vigorous campaign for a 9-hour day and a 54-hour week. Opposition leader John A. MacDonald, recognizing that the majority of printers were also land owners – and therefore voters – promised legislation to legalize membership in a union.

True to his word, MacDonald's government passed the Trade Union Act. The Act decriminalized unions and union membership, but prohibited workers from striking and it did not guarantee a union's recognition as bargaining agent by the employer. In fact, employers could actually request that an employee who missed work for whatever reason be jailed for being absent!

It took several more decades and many long, difficult strikes before, finally, in 1943, a federal law gave unions the right to act and be recognized by employers as the sole collective bargaining agent for their members.

COMING TOGETHER IN SOLIDARITY

Early trade union campaigns also laid the foundations for another major part of what unions do today – standing up for universal social programs and working politically to improve working conditions for all workers, union members or not.

In 1886, one of the predecessors of today's Canadian Labour Congress (CLC), advocated policies like a 9-hour work day, government ownership of the railways, legal minimum standards health and safety conditions and the principle of equal pay for work of equal value. It also advocated for the abolition of child labour and universal access to children's education.

Over the years, unions recognized the need to be active in politics to support the election of pro-labour governments and change legislation to benefit all workers and their families. Helping pro-labour parties such as the CCF and the NDP directly resulted in



the achievement of progressive policies like universal public health care, unemployment insurance, public pensions for the elderly, minimum wage standards, workplace health and safety laws, and government loans that made higher education possible for working class families.

Today, collective agreements are still breaking new ground, forcing the court system and law-makers to take on a range of equality issues. The extension of employee benefits to same-sex partners, affirmative action programs and pay equity were first negotiated by unions, then challenged and upheld by the courts before governments were forced to change the laws.

Canada's unions have won major court victories – including at the Supreme Court of Canada – to have union membership, participation in a union, collective bargaining and strikes recognized as basic rights protected by the Charter of Rights and Freedoms. Unions campaigned for and won improvements to the Canada Pension Plan and a national ban on asbestos. Today, unions are campaigning to win more affordable prescription drugs, affordable child care for more working families, and laws to finally close the wage gaps between women and men.

THE CHALLENGE OF GLOBALIZATION

Despite these advances, two-thirds of employees in Canada today don't have a union or a collective agreement to protect them at work. With the rise of a more integrated and global economy, many private industries with unionized workforces are closing their doors in Canada only to re-open them in other countries where wages and labour standards are lower.

Governments, as employers, are also taking advantage of this trend by contracting work previously done by government employees to private companies or selling entire operations to the private sector. As a result, good jobs get eliminated and often replaced with lower-paid, more precarious work, and Canadians lose control over the public services their taxes pay for.



CANADA'S UNIONS FACE IMMENSE CHALLENGES TODAY.

Today, work and employment are changing radically. Full-time, secure employment is being replaced with part-time jobs, short-term contracts and more “precarious” forms of employment. Automation and new digital technologies are also having an impact, adding to a growing insecurity across more and more occupations and sectors of the economy.

Unions continue to stand up for all workers, but outdated labour laws and employment standards rooted in the past make that work difficult. Without major updates to our labour laws, fewer and fewer workers will have access to a union and a collective agreement to protect them. As a result, the bargaining and the political power that workers have enjoyed for generations could decline even more, resulting in even lower wages, more insecurity and growing inequality.

We've got work to do... and that's where you come in.

STEWARDS AS EDUCATORS AND ORGANIZERS

In addition to your duties as a Steward to stand up for the people in your workplace and uphold the collective agreement, you also have a responsibility to ensure that your members know and understand that the union is the most important voice they have as workers. It's up to you to offer a positive and hopeful view of workers, unions and the issues advocated by your union and the labour movement. And it's up to you to challenge the myths and the misinformation that opponents of the labour movement and even some of your own members might put forward.

It's a big job, but you're not alone. The labour movement's got your back. It's what solidarity is all about.





THE LARGEST LABOUR ORGANIZATION IN CANADA

The Canadian Labour Congress is the largest labour organization in Canada, bringing together dozens of national and international unions, provincial and territorial federations of labour and community-based labour councils to represent more than 3 million workers across the country.

It has done this for more than 60 years (since 1956).

Explore canadianlabour.ca to learn more about what the CLC does and how it helps unions, union stewards and workers across Canada come together and stand up for fairness.

To contact the CLC's Regional Office for your province or the national office in Ottawa, visit the [contact us](#) page. You can also follow the CLC through these channels:

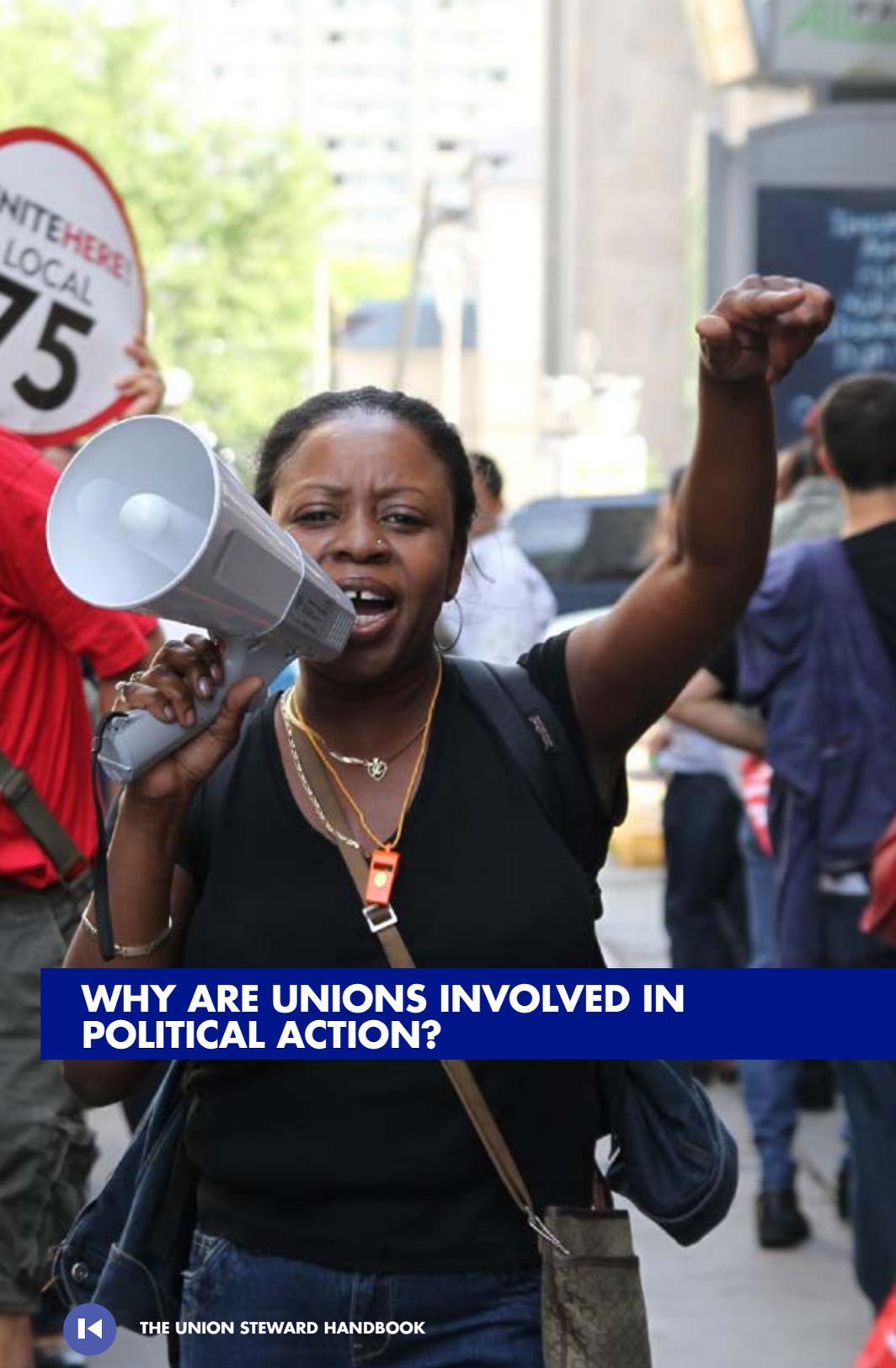
 facebook.com/clc.ctc

 [@canadianlabour](https://twitter.com/canadianlabour)

 [@canadianlabour](https://instagram.com/canadianlabour)

 youtube.com/canadianlabour





WHY ARE UNIONS INVOLVED IN POLITICAL ACTION?



WHY ARE UNIONS INVOLVED IN POLITICAL ACTION?

It's a political world, and political action is a big part of what unions do to make the world a better place.

There are two parts to the answer. The first part is “by tradition.” The second part is “by necessity!”

TRADITION

Traditionally, unions have been involved in politics for three reasons:

- *To gain recognition of the right of workers to form unions and bargain collectively;*
- *To protect the gains they have won through collective bargaining; and,*
- *To promote justice and equal economic opportunity for all.*

Workers have achieved much by acting collectively to set our own agenda and then elect politicians who either believed in the same things as us or who “saw the light” because of the number of votes we represent.

We saw this way back in 1872, when the Toronto Printers’ Strike for a 9-hour workday “inspired” then-Prime Minister John A. Macdonald to introduce legislation legalizing unions. And we see it today, as politicians in municipal, provincial, territorial and federal levels of office recognize the strength of workers’ collective political power.

This is why governments and business go to such great lengths to convince the public that unions and social organizations are just “special interest groups” that don’t work for the greater good.



NECESSITY

Our experience in the last several decades has shown us that legislation that governs our destiny in the workplace can eliminate hard-won contractual and social gains. Big business, probably the biggest “special interest group” in our society, has no problem lobbying the courts and politicians to further their goals.

Think Of:

- *Legislation ending strikes or even the right to strike in both the public and private sectors;*
- *Court injunctions against the right to picket;*
- *Legislated wage and benefit cuts, layoffs and “austerity” that affect us all.*

All of society is being affected by government’s current push for “austerity”. What this really means is less protection of workers’ rights on the job, less health care, less unemployment insurance, less social assistance, less retirement income, fewer child care options – but, amazingly, more profits for business.

Business groups actively set their agendas and use their wealth and organizations, such as the Canadian Chamber of Commerce and the Business Council on National Issues, among others, to lobby politicians to achieve their goals.

And while we don’t have their financial power, we have our people power – and tons of it. Our wealth is our collectivity as workers and as a society. Our organizations are our unions, social movements and political parties.



ACTING POLITICALLY IS THE LOGICAL AND ENLIGHTENED THING TO DO

You wouldn't elect your bosses as union stewards; you know they wouldn't represent your best interests on the job. It doesn't make any more sense to elect management persons to represent our interest in politics.

Union members know in their gut how to best change a situation they aren't pleased with: use their collective strength. If they aren't happy with how the workplace runs, they can – collectively – go on strike. If workers feel that the union leadership in the local isn't responding to their needs, they can vote them out.

It is our collective strength and our commitment to political action that will convince governments and business to do the right thing. To achieve this, we must educate and organize our membership around our issues, strengthen our coalitions with like-minded social groups, and elect politicians who represent us—and hold them to our agenda.

It's a fine tradition – and a current necessity.





SIX ANTI-UNION MYTHS — AND HOW TO BUST THEM



SIX ANTI-UNION MYTHS – AND HOW TO BUST THEM

Ever wanted the perfect response to counter anti-union myths? This is for you.

Being a good steward means being a good listener. But, of course, it doesn't mean you can't be a good talker, too – especially when it comes to defending your members and countering myths about unions.

Union members hear trash-talk about unions all the time. It's okay to talk back. Read our myth-busters below. And bust away!

MYTH #1 – UNIONS ARE STRIKE HAPPY

Unions negotiate for collective agreements – not strikes. No union wants a strike, but they are sometimes necessary when there is no other way to reach an agreement. To union members, a strike means sacrifice – for themselves and their families. Workers won't go on strike unless the issues involved are so great they are worth the sacrifice. Unions always conduct membership votes before taking strike action and a strike occurs only when it has been approved by a clear majority.

In collective bargaining, strikes are the exception rather than the rule. We repeat: the exception. About 97% of all union contracts are settled without a strike, but this fact never seems to make the headlines.

But now that you mention it, unions also absolutely defend the right to strike. The right to withhold one's labour in unison with fellow workers is crucial to maintaining a democratic society. As workers, we trade our labour in order to provide for ourselves and our families. If we do not have the right to withdraw those services, we no longer have anything with which to negotiate – and not much of a democracy, either.



MYTH #2 – UNIONS WERE GOOD AT ONE TIME, BUT HAVE OUTLIVED THEIR USEFULNESS

The Globe and Mail made this argument on May 6, 1886! Now, over 125 years later, it is still one of the most common arguments against unions. Hmmm...

Without unions, in 1886 or now, how many Canadian workers would have been granted a decent wage or have leisure to enjoy it? You can't have prosperity or social justice when two-thirds of the people are broke. Thanks to the wage levels established by the labour movement, even unorganized and anti-union workers have benefits today.

Globalization and the growing power of big business make unions more important than ever. Unions negotiate collective agreements and improve working conditions, wages and benefits – without unions, employers would treat workers however they want.

MYTH #3 – UNIONS PROTECT PEOPLE WHO SHOULD BE FIRED

No union contract requires an employer to keep a worker who is lazy, incompetent or constantly absent or tardy. What the union does is make sure dismissals are for “just cause” – for real reasons – and not personality clashes between supervisors and employees.

Yes, employees can't be fired as they once were when they were considered not to be as useful or productive to their employer. Women who have a union can't suffer discrimination from their boss because the boss fears they may get pregnant, for example. In that way, unions do protect people's jobs. That's the purpose of a union.

MYTH #4 – UNIONS ARE TOO BIG AND POWERFUL

Hah! Comparing “Big Unions” to “Big Corporations” and “Big Government” is a favourite trick of the media and other groups like the Canadian Chamber of Commerce and the Canadian Federation of Independent Business.

“Big” and “powerful” are relative terms. In actual fact, most Canadian unions are quite small, and together they represent less than 31% of the country’s workforce. Even the largest unions, in terms of size and resources, pale by comparison with transnational corporations such as Domtar, Suncor Energy, Canadian Pacific or General Motors.

In Canada, few politicians ever dare interfere with “free enterprise”. Business can set their prices, sell their products and throw their money into anything, from advertising to a new executive washroom, without supervision or restraint. Governments will usually give them money or tax breaks to do this.

But go figure: politicians feel differently about unions. Unions require legal certification, formal backing from a majority of the workers they represent and a long, complicated legal process before they can call a strike. Governments intervene in strikes, force workers back to work, freeze salaries, reopen collective agreements and jail union leaders. Do you ever see governments try those tactics on companies?

Unions are made up of all kinds of people. They’re human. They negotiate for what they can in a world dominated by business in which we all have ringside seats to the profiteering by oil companies, supermarket chains and banks.

If unions were half as powerful as they are said to be, they would be able to organize millions more Canadian workers. They would be winning more of their strikes and increasing their members’ wages and benefits a lot more than they actually are.



MYTH #5 – UNIONS ARE ALWAYS MAKING UNREASONABLE DEMANDS

What is a reasonable wage demand? One that meets the workers' needs? One based on the employer's ability to pay? One that's tied to productivity? Or one that the business media thinks is responsible?

The fact is that nobody has yet devised a workable formula for determining wage increases that would be considered "reasonable" by the workers, by their employers, by the public, by the press and by the government. One group or another will always be unhappy.

Besides, most employers – except occasionally when in genuine financial stress – still refuse to open their books to union negotiators. Unions are thus denied access to the data on profits, productivity and labour costs they must have in order to formulate "reasonable" demands. The only alternative in our private enterprise society is for unions to go for as much as they think their members are entitled to. To some segments of our society, anything they try to negotiate is too much.

MYTH #6 – THE PUBLIC IS NOT REPRESENTED IN STRIKES BY WORKERS

People who may be hurt or even just inconvenienced by public sector strikes should make an effort to look at other sides of the dispute to determine if workers' demands are justified. If they are justified, then public pressure should be directed at governments to offer fair settlements, rather than force unions out on strike because it might be politically convenient – or, once a strike is taken, impose “back-to-work” legislation or other strike-breaking laws.





STAYING ORGANIZED



STAYING ORGANIZED

Learn what stewards can do to keep their locals active, connected and strong.

Staying organized in the 21st century is going to prove as big a struggle as “getting organized” was in the 19th. The tactics of government and corporate owners are now much more sophisticated and insidious than ever before.

In the last few decades, governments have adopted neoliberal trade policies that benefit big business. These trade rules fully equipped the transnational corporations to use the threat of shifting production to another country when trying to negotiate concessions with the unions representing their workers. In fact, the only barrier to a mass exodus of transnational corporations and government departments has been the strength of unions and their collective agreements.

The Canadian labour movement has remained strong. Contrary to what some politicians and business media would have us believe, polls indicate that the vast majority of union members like and believe in their unions.

A STEWARD’S WORK: EDUCATE, ORGANIZED, CONNECT

The task now is to unite and mobilize our members in order not just to protect workers’ rights and benefits, but to prevent a tearing apart of our society’s social fabric and a further widening of economic disparities. We do this through internal organization and education within our local unions. It’s all about member engagement.

Rank and file activism and member engagement have always been the foundation of the labour movement. Stewards can’t do it by themselves. It takes all the local’s leadership to maintain member engagement and make ongoing listening, connecting and building a priority.



Unions that make the commitment to internal organizing and education must emphasize these activities as a major function of stewardship. For this to happen, the union local must provide stewards with the time and the training.

See the chapter on Member Engagement for more info and tips on how to connect with your members.

TODAY'S PATHS TO EDUCATION

Today, union stewards and other activists can access a range of educational programs and activities, including:

Courses and Workshops

Most unions run face-to-face educational opportunities on an ongoing basis. You can find training and education in just about any union.

Conferences

Unions hold regular conferences that address issues and build skills. Find out when and where your union conferences are!

Paid Educational Leave (PEL)

PEL is a negotiated benefit whereby the employer contributes a percentage per member to a union education fund and also guarantees the right of members to “leave” from work to attend courses.

Online and Digital Learning

Today, more and more unions and labour organizations are developing online and digital learning capacity to make labour education even more accessible and relevant. Find out what your union has available, and use the web as the great educational tool that it is. Social networking and digital communications tools make connecting with members and building community and connection even easier than before.



Union Meetings

Regular meetings give stewards a chance to discuss grievances and problems, evaluate performances, understand labour legislation, plan and co-ordinate strategies and learn more about their union.

Stewards as Member-Engagers

The act of listening to the membership is a great way to show that you are ready to engage and build with members.

SEVEN TIPS TO STAY CONNECTED

- ✓ *Remember to Go, Listen and Build*
- ✓ *Make it easy for members to provide feedback, for example through surveys and at meetings*
- ✓ *Hold regular face-to-face trainings for stewards and other activists*
- ✓ *Measure your progress and change, modify or alter your programs as you see fit*
- ✓ *Explore the use of social media to connect, educate and mobilize with your members*
- ✓ *Communicate with members' through things like print and electronic newsletters – but also listen to what members are saying*
- ✓ *Want membership participation? Develop educational programs and workplace campaigns that are based on your members needs and priorities*

Staying organized helps answer the question of whether the union is doing its job. Being organized and engaging members is vital for all unions, particularly those whose collective bargaining power is limited. This is an era of austerity and precarity, but every workplace has issues that the union can use as a vehicle to demonstrate its effectiveness. Building union culture leads to union power.





GLOSSARY



GLOSSARY

Across-the-board adjustment

Change in pay rates made for all employees in a workplace or particular group.

Adjudication

The equivalent to grievance arbitration; a method under the Public Service Employee Relations Act of providing a settlement of disputes arising out of the terms of any Agreement.

Affiliated union

A union which is a member of a group of unions.

Affirmative action

Affirmative action is a comprehensive strategy whose aim is to establish the same percentage of minority group members and women at all levels of the workplaces and unions as there are in the general population.

Agency shop

A clause in a collective agreement similar to the Rand Formula.

Arbitration

A method of settling disputes through the intervention of a third party whose decision is final and binding. Such a third party can be either a single arbitrator, or a board consisting of a chairperson and one or more representatives. Arbitration is often used to settle major grievances and for settling contract interpretation disputes. Voluntary arbitration is that agreed to by the parties without statutory compulsion. Compulsory arbitration is that imposed by law. Governments sometimes impose it to avoid a strike or end one.

Assessments

Special charges levied by unions to meet particular financial needs.



Back-pay

Wages due for past services. Often the difference between money already received and a higher amount resulting from a change in wage rates.

Bargaining agent

Union designated by a labour relations board or similar government agency as the exclusive representative of all employees in a bargaining unit for the purpose of collective bargaining.

Bargaining unit

Group of workers in a craft, office, department, plant, firm, industry or occupation, determined by a labour relations board or similar body as appropriate for representation by a union for purposes of collective bargaining.

Base rate

The lowest rate of pay, expressed in hourly terms, for the lowest paid qualified worker classification in the bargaining unit. Not to be confused with basic rate, which is the straight-time rate of pay per hour, job or unit, excluding premiums, incentive bonuses, etc.

Blue collar workers

Production and maintenance workers as contrasted to office and professional personnel (white collar workers).

Canadian Labour Congress (CLC)

Canada's national labour body representing over 70 percent of organized labour in the country, 3.3 million workers.

Certification

Official designation by a labour relations board, or similar government agency, that a union is the sole and exclusive bargaining agent, following proof of majority support among employees in a bargaining unit.

Checkoff

A clause in a collective agreement authorizing an employer to deduct union dues and, sometimes other assessments, and transmit these funds to the union. There are four main types; the first three apply to union members only and the Rand Formula – dues deducted from union and non-union employees.

Classification plan

A job evaluation method based on comparison of jobs against a money scale.

Closed shop

A provision in a collective agreement whereby all employees in a bargaining unit must be union members in good standing before being hired, and new employees hired through the union.

Collective agreement

A contract (agreement and contract are interchangeable terms) between one or more unions, acting as bargaining agent, and one or more employee covering wages, hours, working conditions, fringe benefits, rights of workers and union, and procedures to be followed in settling disputes and grievances.

Collective bargaining

Method of determining wages, hours and other conditions of employment through direct negotiations between the union and employer. Normally the result of collective bargaining is a written contract which covers all employees in the bargaining unit, both union members and non-members.

Company union (or boutique union)

A one-company group of employees frequently organized or inspired by management and usually dominated by the employer.



Conciliation and mediation

A process which attempts to resolve labour disputes by compromise or voluntary agreement. By contrast with arbitration, the mediator, conciliator or conciliation board does not bring in a binding award, and the parties are free to accept or to reject its recommendation(s). The conciliator is often a government official while the mediator is usually a private individual appointed as a last resort, sometimes even after the start of a strike.

Consumer Price Index

Statistics Canada's monthly statistical study which checks retail prices of selected consumer items in a representative group of cities. Strictly, it is not a "cost of living" index, though it is often so described.

Contracting out

Practice of employer having work performed by an outside contractor and not by regular employees in the unit. Not to be confused with subcontracting, which is the practice of a contractor delegating part of this work to a subcontractor.

Contract

See Agreement, collective.

Contract proposals

Proposed changes to the collective agreement put forward by the union or the employer and subject to collective bargaining.

Cost of living allowance (COLA)

Periodic pay increase based on changes in the Consumer Price Index sometimes with a stated top limit.

Craft union

Also called horizontal union. A trade union which organizes on the principle of limiting membership to some specific craft or skill, i.e., electricians, plumbers, etc. In practice, many traditional craft unions now also enroll members outside the craft field, thereby resembling industrial unions.



Decertification

Withdrawal by a labour relations board of its certification of a union as exclusive bargaining representative.

Demotion

Transferring an employee to a job involving reduced responsibilities and duties and possibly a reduction in pay.

Discipline clause

A section of a collective bargaining agreement reserving to management the right to penalize employees for disobedience.

Discrimination

Discrimination is the differential treatment of an individual based on race, creed, sex, sexual orientation, physical or mental attributes, or any other personal attribute.

Down time

Period when work is not proceeding for one reason or another (such as a machine not operating due to mechanical failure, or lack of materials, etc.) through no fault of the operator, but with the workers still on the job. Under a union contract, down time is usually paid for.

Dues

Periodic payments by union members for the financial support of their union.

Duty of fair representation

A clause of many labour codes, provincial, territory, and federal, which states that all workers, whether members of the union or not, have the right to representation by the union that represents their workplace. It also states that the union must not act in a manner which is arbitrary, discriminatory, or in bad faith towards any employee of their bargaining unit.



Expedited arbitration

A fast track arbitration system where cases are presented within a specified time limit. They also imply that the arbitrator(s) will issue awards in a specified time and that such awards will not be “precedent setting” (or create jurisprudence).

Federation of labour

A federation, chartered by the Canadian Labour Congress, grouping local unions and labour councils in a given province or territory.

Fringe benefits

Non-wage benefits, such as paid vacations, pensions, health and welfare provisions, life insurance, etc., the cost of which is borne in whole or in part by the employer.

Grievance

Complaint against management by one or more employees, or a union, concerning an alleged breach of the collective agreement or an alleged injustice. Procedure for the handling of grievances is usually defined in the agreement. The last step of the procedure is usually arbitration.

Harassment

See chapter, Harassment.

Hiring hall

A headquarters from which a union fills requests for workers. A central hiring hall is a place where union workers gather for referral to seasonal or casual jobs. A joint hiring hall is sponsored by employers as well as a union. A preferential hiring hall is one in which union members get first referral to jobs.

Incentive pay

Method of pay which varies according to production. Pay may depend upon number of pieces of work completed by individual or groups of workers. Wages may be paid on a piece, bonus or premium basis. Contracts guarantee incentive workers a minimum hourly rate.



Industrial union

Also called “vertical union.” A trade union which organizes on the principle of including all workers from one industry, regardless of their craft or whether they are skilled or unskilled. See craft union.

Injunction

A court order restraining an employer or union from committing or engaging in certain acts.

International Trade Union Confederation (ITUC)

An international trade union body formed in 1949, composed of a large number of national central labour bodies, such as the Canadian Labour Congress. The ITUC represents millions of workers around the world.

International Labour Organization (ILO)

Tripartite world body representative of labour, management and government; an agency of the United Nations. It disseminates labour information and sets minimum international labour standards, called “conventions”, offered to member nations for adoption. Its headquarters is in Geneva, Switzerland.

International union

A union which has members in both Canada and the United States.

Job analysis

Investigation of duties and operations of a job to determine its requirements in terms of human abilities and relationships.

Job classification

Job rating based on an analysis of the requirements of the work.

Job content

The actual duties which make up a job.

Job description

A part of job evaluation involving a review of the nature of the work, its relation to other jobs, the working conditions, the degree of responsibility and the other qualifications called for by the work.



Job evaluation

A system designed to create a hierarchy of jobs based on factors such as skill, responsibility or experience, time and effort. Often used for the purpose of arriving at a rational system of wage differential between jobs or classes of jobs.

Job security

A provision in a collective agreement protecting a worker's job during times of change, such as the introduction of new methods or machines.

Jurisdictional dispute

A dispute between two or more unions as to which one shall represent a group of employees in collective bargaining or as to whose members shall perform a certain kind of work.

Jurisprudence

The decisions of arbitrators or arbitration boards that make up case law in labour court.

Labour College of Canada

Institution of higher education for trade union members operated by the Canadian Labour Congress for the purpose of providing a training ground for future trade union leaders.

Labour Council

Organization composed of locals of CLC-affiliated unions in a given community or district.

Labour Relations Board

A board established under provincial or federal labour relations legislation to administer labour law, including certification of trade unions as bargaining agents, investigation of unfair labour practices and other functions prescribed under the legislation.

Layoff

Temporary, prolonged, or final separation from employment due to lack of work.

Leave of absence

Permitted absence for an employee for a limited period ordinarily without pay.

Local (union)

Also known as a lodge or a branch, locals are the basic unit of union organization. Trade unions are usually divided into a number of locals for the purpose of local administration. These locals have their own by-laws and elect their own officers; they are usually responsible for the negotiation and day-to-day administration of the collective agreements covering their members.

Lockout

A labour dispute in which management refuses work to employees or closes its establishment in order to force a settlement on its terms.

Management rights

Also called employer rights, management generally contends that this body of rights – including hiring, scheduling of hours of operation and contracting – are not proper subjects for collective bargaining.

Master agreement (model agreement)

A union contract executed by the leading employer in an industry which sets the general pattern that will be followed by the industry. Also a union contract that sets basic standards for employers and unions covered by the agreement who will negotiate further on local subjects.

Mediation

A means of settling labour disputes whereby the contending parties engage a third person as a neutral go-between.

Modified union shop

A place of work in which non-union workers already employed need not join the union, but all new employees must join, and those already members must remain in the union. See union security and union shop.



Moonlighting

The holding by a single individual of more than one paid job at the same time.

New Democratic Party (NDP)

The NDP was co-founded by the labour movement and is supported by many unions today. Since its creation in 1932, it has fought on behalf of workers for better pensions, labour laws, working conditions, Medicare, unemployment insurance, human rights and other progressive ideas in legislatures across Canada. Many of the benefits working people enjoy today can be credited to the policies, actions and dedication of the NDP.

National union

A union whose membership is confined to Canada only.

No strike clause

A contract clause limiting the freedom of workers to strike during the life of the agreement. Used when the contract provides for final settlement of grievances through arbitration. Compulsory in all provincial and territory labour acts.

Open shop

A shop or workplace in which union membership is not required as a condition of securing or retaining employment.

Overtime

Hours worked in excess of a maximum regular number of hours fixed by statute, union contract, or custom. Clock overtime is a premium, paid for work during specified regular working hours, required by a collective bargaining agreement.

Overtime rate

Higher rate of pay fixed by statute, union contract or custom for hours worked in excess of a specified straight-time maximum.



Paid education leave

A negotiated benefit whereby the employer contributes a percentage per member to a union education fund, and which also guarantees the right of members to “leave” from work to attend courses.

Pay equity

The principle that there should be equal levels of pay/remuneration for all workers who perform equal functions.

Per capita tax

Regular payments by a local to its national or international union, labour council or federation, or by a union to its central labour body. It is based on the number of members.

Picketing

A tactic employed by union members – called picketers in this case – when they walk holding signs near an employer’s place of business to publicize the existence of a labour dispute, persuade workers to join a strike or join the union, discouraging customers from buying or using employer’s goods or service, etc.

Piece rate (piece work)

A form of incentive pay under which wages are paid according to the number of pieces produced. Pay may be related to individual or group production. Unlike an hourly rate of pay under which the worker receives a fixed rate which does not vary with output. Most contracts guarantee piece rate workers a minimum hourly rate.

Posting

Required display of the vacancies available for competition within the bargaining unit.

Preferential hiring

A system under which employers agree to hire only union workers so long as the union is able to fill demands for workers.



Premium pay

A wage rate higher than straight time. Payable for overtime work, work on holidays or scheduled days off, for example, or for work under extraordinary conditions such as dangerous, dirty or unpleasant work.

Probationary period (trial period)

Time during which a new employee is on trial by the company and usually subject to discharge without union challenge, except where the discharge is discriminatory.

Promotion

Advancing an employee to a position paying a higher salary.

Raiding

An attempt by one union to induce members of another union to defect and join its ranks.

Rand Formula

Also called agency shop. A union security clause in a collective agreement stating that the employer agrees to deduct an amount equal to the union dues from all workers of the bargaining unit, whether or not they are members of the union, for the duration of the collective agreement. See Checkoff.

Recognition

Employer acceptance of a union as the exclusive bargaining representative for the employees in the bargaining unit.

Red circle rate

A rate of pay for a particular employee which is higher than the maximum of the rate range of the rate for the work that the employee is doing. For example, because of old age, disability, or the like, an employee is demoted to easier, lower-paying work with no reduction in pay.

Reinstatement

The restoration of a discriminatorily discharged employee to that employee's former job.



Re-opener

A provision calling for reopening a collective agreement at a specified time prior to its expiration for bargaining on stated subjects such as a wage increase, pension, health and welfare, etc.

Seniority

Term used to designate an employee's status relative to other employees, as in determining the order of lay-offs, promotion, recall, transfer, vacations, etc. Depending on the provisions of the collective agreement, seniority can be based on length of service alone or on additional factors such as ability or union duties.

Severance pay

Lump sum payment by the employer to a worker laid off permanently through no fault of the worker.

Shift

The stated daily working period for a group of employees, for example, 8:00 am to 4:00 pm or 4:00 pm to midnight, or midnight to 8:00 am. See also Split shift.

Shift differential

Added pay for work performed at other than regular daytime hours.

Shop steward

A union official who represents a specific group of members and the union in union duties, grievance matters, and other employment conditions. Stewards are usually part of the workforce they represent.

Slowdown

A deliberate lessening of work effort without an actual strike, in order to force concessions from the employer. A variation of this is called a work-to-rule strike – a concerted slowdown in which workers, tongue-in-cheek, simply obey all laws and rules applying to their work.



Split shift

Division of an employee's daily working time into two or more working periods to meet peak needs.

Stretch-out (speed-up)

An unbearable increase in the worker's pace.

Strike

A cessation of work or a refusal to work or to continue work by employees in combination or in accordance with a common understanding for the purpose of compelling an employer to agree to terms or conditions of employment. Usually the last stage of collective bargaining when all other means have failed. Except in special cases, strikes are legal when a collective agreement is not in force. A rotating or hit-and-run strike is a strike organized in such a way that only part of the employees stop work at any given time, each group taking its turn. A sympathy strike is a strike by workers not directly involved in a labour dispute – an attempt to show labour solidarity and to put pressure on an employer in a labour dispute. A wildcat strike is a strike violating the collective agreement and not authorized by the union.

Strikebreaker (scab)

A person who continues to work or who accepts employment to replace workers who are on strike. By filling their jobs, they may weaken or break the strike.

Jack London, an American author in the early 1900's, sympathetic to the dock workers of San Francisco where he lived, wrote:

"After God had finished the rattlesnake, the toad and the vampire, he had some awful stuff left with which he made a scab. A scab is a two-legged animal with a corkscrew soul, a water-logged brain, and a backbone of jelly and glue. Where others have hearts, he carries a tumor of rotten principles...No man has the right to scab as long as there is a pool of water to drown his carcass in, or a rope long enough to hang his body with."



Strike vote

Vote conducted among members of a union to determine whether or not to go on strike.

Suspension

A layoff from work or from union membership as a disciplinary measure.

Technological change

Technical changes to the work process, such as the introduction of “labour saving” machinery or new production techniques. These often result in workforce reduction or speed-up.

Trade union

Workers organized into a voluntary association to further their mutual interests with respect to wages, hours of work, working conditions and other matters of interest to the workers.

Transnational corporation

Any company that operates in more than one country.

Trusteeship

The taking over of the administration of a local union’s affairs, including its treasury, by the parent body.

Unfair labour practices

Those employer or union activities that are classed as “unfair” by labour relations acts.

Union label (or union bug)

A tag, imprint or design affixed to a product to show it was made by union labour.

Union security

Provisions in collective agreements designed to protect the institutional life of the union. See also: checkoff, closed shop, Rand Formula, union shop, modified union shop.



Union shop

A place of work where every worker covered by the collective agreement must become and remain a member of the union. New workers need not be union members to be hired but must join after a certain number of days. See also union security, modified union shop.

Voluntary recognition

An employer and a trade union may agree that the employer shall recognize the trade union as the exclusive bargaining agent of the employees in a defined bargaining unit.

Walkout

Loose term for a strike.

White collar workers

Workers in offices and other non-production kinds of industry, business or work.

Work-to-rule

A practice where workers obey all laws and rules pertaining to their work, thereby effecting a slow-down, a refusal to perform duties which, though related, are not explicitly included in the job description.

Working conditions

Conditions pertaining to the job environment, such as hours of work, safety, paid holidays and vacations, rest period, free clothing or uniforms, possibilities of advancement, etc. Many of these are included in the collective agreement and subject to collective bargaining.

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