

Laborers'  
International  
Union of  
North America

**LIUNA!**

*Feel the Power*

# Steward Manual

**NON-CONSTRUCTION**

**EDUCATION DEPARTMENT**

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# INTRODUCTION

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You have a great opportunity as a LIUNA steward.

As a steward, you welcome new members to our union.

You solve problems at work.

You communicate the goals of your elected leadership to your co-workers.

You build unity and solidarity.

**To most of your co-workers, you *are* the union.**

This is a great opportunity and an important responsibility.

This is why LIUNA is investing the time and resources to teach you as much as you can about your new position. Of course, you have already proven your leadership ability--or else you wouldn't be reading this manual. But all of us can always learn more. That's what this manual is all about.

The manual outlines the things you'll need to know to do your job well. There are other skills you can only learn on the job and from your union leaders.

If you have questions, contact your Local Union leaders. They are always willing to share their experiences and ideas with you. They are there to help you.

Congratulations on your new leadership position. You are a key part of building a better workplace, a stronger union and a more just world for all workers.

# FACTS ABOUT LIUNA

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## LIUNA Structure

The Laborers' International Union of North America (LIUNA) represents more than 800,000 members who belong to more than 560 local unions throughout North America. Most of these Local Unions are a part of over 50 District Councils where they combine resources for power.

There are several professional departments at the International Union that offer services intended to make things better for the membership. Some are Education, Organizing, Legislative, Legal, Minority Advancement and Public Affairs. There are more.

LIUNA holds a convention every five years where delegates from the United States and Canada vote on resolutions to the International Constitution. The Constitution sets the guidelines for governing the union. All of the officers of the International Union, including the General President, the General Secretary-Treasurer, and Vice Presidents, are subject to membership election immediately following the General Convention.

## The TRI-FUNDS

LIUNA has three independent labor-management trust funds that offer further services:

- Laborers'-Employers Cooperation & Education Trust (LECET)
- Laborers -AGC Education & Training Fund
- Laborers' Health & Safety Fund of North America

These three funds work with Local Unions and management on issues of increasing union job opportunities, worker skills training and worker safety issues, as well as many others.

## LIUNA Members

LIUNA members have many different callings. They are employed in fields such as construction, food service, health care, hazardous waste removal, public service, maintenance, mail handling and more.

LIUNA represents workers from all over the United States and Canada. We also help workers in other countries by supporting their efforts to organize and improve workers' rights.

# THE ROLE OF THE STEWARD

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## A Steward...

**Solves problems.** When members have a problem, they bring it to their steward. Some problems are job related; others are not. The steward helps the member and others who may be affected to identify possible solutions and work for necessary changes.

**Leads members.** LIUNA members look to stewards for knowledge, experience, and guidance. By working with members to stand up for their rights on the job and encouraging members to participate in the union, stewards help build an active and unified membership.

**Communicates and informs.** Stewards are the key points of contact between LIUNA members and their union leaders. Stewards are responsible for keeping Local Union leaders informed about members' concerns and questions, and for keeping members informed about LIUNA programs and goals.

**Educates.** LIUNA stewards help members understand how to use and interpret the contract, participate in the union, and learn about broader issues that affect them and their communities.

**Organizes.** Stewards help Local Union officials organize members to participate in activities designed to improve conditions on the job and in our communities. Stewards do this by:

- Welcoming new employees.
- Winning and enforcing contract rights and benefits.
- Increasing unity among the members.
- Encouraging more workers to join the Laborers'.
- Increasing participation in union meetings.
- Supporting LIUNA legislative campaigns to benefit working people.
- Increasing contributions to LPL (Laborers' Political League), the Laborers' political action fund in the United States.
- Supporting LIUNA efforts to build alliances with community organizations on common goals.

## **TEN RULES FOR STEWARDS: BASIC RULES TO LIVE BY**

- 1. Love the union and show it.** You are the day-to-day representative of the union. Your actions on and off the job reflect both you and the union. Take every opportunity to express and explain your commitment to the union and its members.
- 2. Know yourself.** Be honest about your strengths and weaknesses. Ask yourself, “What more do I need to learn? What is the best way to deal with conflict? What is the best way to communicate with people? What do I need to be more effective as a steward?”
- 3. Be a credible employee.** Follow the contract and abide by the rules of the workplace. Your actions will help set the example of how management and workers should act.
- 4. Talk straight with the members.** You will be the bearer of both good news and bad. If you are straight with members about what is going on, they will know they should be straight with you.
- 5. Size up your opposition and act accordingly.** There’s no single all-purpose way to deal effectively with management. A good strategy involves a thorough assessment of management’s strengths and weaknesses. Sometimes you should come on like gangbusters. Sometimes you should sit in the back row and watch management self-destruct. When facing opposition from union members-as you surely will from time to time-deal with them respectfully.
- 6. Deal with small problems before they become big ones.** Strive to settle problems before they become grievances. Strive to settle necessary grievances at the first step. Bring issues of concern to the members’ attention when they first come up, so members may be alert to the possibility of contract violations at the earliest possible instance.
- 7. Prepare against surprises.** Surprises are great for birthdays, but they can be a real drag at grievance presentations, contract negotiations, meetings with the boss and union meetings. Prepare ahead of time for what will be said and done.
- 8. Set limits.** You are not the slave of the membership. You will be expected to work long and hard and will want to do so, but you have the right to set limits. Doing so will make you a more effective steward in the long run.
- 9. Involve others in the work of the union.** You are not a one-person show. The best stewards-the ones whose workplaces have really effective unions-involve other members in all kinds of union work, including investigating grievances, passing petitions, registering voters, attending union and community actions and organizing unorganized workers.
- 10. Recognize that your worksite is just a part of the whole.** You need to look beyond the problems of your worksite and become part of organizing on a larger scale for the improvement of workers’ lives. This means you need to be active in your community, the political process and other progressive causes and coalitions that organize and promote those improvements.

Source: AFL-CIO Steward Manual

# WHAT STEWARDS NEED TO KNOW

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## Important Materials for Stewards

As a steward, you are the “go to” person when someone has a question or a problem. You’ll be able to address these issues better if you keep on hand important information:

Many stewards keep a special notebook and files to keep track of the following:

- Names, addresses, phone numbers, job titles, and work schedules of workers you are the steward for.
- Seniority list (updated periodically).
- List of supervisors by department.
- Records of all investigations and cases involving grievances or other problems.
- The contract (collective bargaining agreement).
- Employer policies/personnel manual/work rules.
- Civil service regulations (public sector only).
- Federal, state, and provincial (Canada) health and safety regulations.
- Grievance forms.
- Materials to use in signing up new members (authorization and dues check-off cards, information about the union).
- Materials for signing up members to contribute to LPL, the Laborers’ political action fund.
- Your steward manual.

## **Know the Contract**

You should keep a copy of the contract between the employer and the union in a place where you have easy access to it. You may want to keep a copy at home as well as a copy at work.

The contract is the primary law of the workplace. It includes most of the terms and conditions of employment, such as wages, hours and working conditions in your workplace. However, it is only as strong as the union members and leaders who enforce it.

You should be familiar with all sections of the contract. No one expects you to be an expert on the contract in the first few months. You will learn the contract over time as issues and questions come up.

In the meantime, ask for help from other stewards, your local officers or business agent. This will help you to learn more about the meaning of each part of the contract.

## **Know Your Co-Workers One-on-One.**

As a steward, it is important that you maintain frequent personal contact with each member in your area. If you have too many workers in your group to be able to do that, you may need to ask your Local Union to recruit more stewards.

Make it a habit to talk with every worker one-on-one or in small groups about the job, the workplace, and our union. Keep up the contact between you and the individual members. Don't let anyone slip through the cracks. Many workers will not seek you out even if they have something important to say. You will have to talk with them to find out what's on their minds.

Unless your contract allows you to contact workers during working hours, you must talk with them during break times or before or after work. If you don't see them often on the job, keep in touch by telephone.

Frequent contact is the only way to keep on top of problems, rumors, suggestions, and complaints. It is also a way to show members and management that the union is well organized and united.



If it's possible where you work, try scheduling meetings at the lunch break on the same day each week or each month to have a brief discussion of union activities with the members in your area.

## Know Your Members' Needs

Often, the most important part of communicating with members is not what you say, but what you hear. Listen carefully to what the members say to you. Try to answer their questions and make them feel comfortable in coming to you. However, the fact that you are a steward does not mean that you must have all the answers.

**Before you give a reaction or an opinion, listen carefully and ask plenty of questions.** For instance: "What's an example of that?" or "Why do you think that happened?," or "What do you think should be done now?" Questions like that will help you understand members' concerns better, and will show them that you value their views.

**Show you understand what the member is saying.** You may not be able to do exactly what the member wants done, but it will help to start by showing some interest.

For example: "I can see how you feel about that. So let's try to figure out whether anything can be done" or "I agree with you that the supervisor could have handled it better. That's something we could talk to management about. But I don't want to promise that we have grounds for filing a grievance until we look into it more."

**Give members opportunities to make clear what they want to know.** Many people are reluctant to admit they don't know something. Try questions like, "Is there anything else about this that isn't clear to you?" or "What else would you like to know?"

**If you don't know the answer to a question, don't guess.** Promise to check and get back to the member, or have her or him go with you to ask someone who knows. Make sure you follow up on whatever you promise to do.

# NEW MEMBER ORIENTATION

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It is the steward's responsibility to welcome every new employee into the union. If at all possible, do this on the worker's first day on the job. First impressions have a lasting impact.

Under some Laborers' contracts, stewards are given a block of time to provide union orientation. If not, you must find time during a break or before or after work. In any case, set aside enough time with new workers so they feel welcome.

You should explain the union to new employees even if they are required by your contract to become members. The union will be stronger if new employees understand why they are in it and what it does.

The approach described below may be useful. It can be done in as little as 20 minutes. Much of this advice may also be helpful in talking to experienced workers who have not joined the union (in situations where workers are not legally required to become members).

**1**

**Get to know each other.** New employees want to know that they are accepted. Find out where they worked before, how they chose this job, what questions they have about the work, whether they have a family, and so on. Such questions show your interest in them first as people. Tell them a little about yourself as well - perhaps a story about your first day on the job.

**2**

**Give the worker a copy of the union contract.** Explain that the contract contains gains negotiated over the years through member sacrifice and unity, and that it legally guarantees the rights and benefits members enjoy.

Don't try to explain all its provisions. Instead, pick out a few, such as wages, vacations, and holidays, and show the worker where these are in the contract.

The goal is not to teach new workers everything about the contract on their first day - especially since they already will be overloaded with new information.

- Show that workers' rights and benefits are achievements of an effective union and not gifts from the employer.
- Encourage workers to review the contract more thoroughly later.
- Emphasize that you, the steward, are knowledgeable about the contract and the person to come to with job-related problems.

### 3

**Help new workers see union membership as a natural part of their job,** and, if your contract doesn't require them to become members, ask them to join.

- Emphasize the large number of other workers who belong.
- Explain that "the union" is the members. We are the union. It is not an outside institution.
- Point out that decisions in LIUNA are made through a democratic process during union meetings and elections.
- Explain that they have to be a member to have a voice in union decisions, such as whether to accept a contract settlement or who will be elected to union office.
- Point out that what the union achieves depends on the employer and the public seeing workers' unity and active participation.
- Get the new employee to start identifying with the union.

### 4

**Explain the dues and what they provide** - before you are asked about it. Some suggested points:

- Explain why you feel paying dues is important.
- Explain that the amount of dues is determined democratically.
- Give examples of what the dues pays for: contract negotiations by experienced negotiators; solving on-the-job problems; union education and training programs; communications (newsletters, bulletins); legal representation; health and safety experts; and research on the employer's future plans and finances.
- Point out that the improvements our union wins easily offset the cost of dues.

# HELPING YOUR LOCAL BUILD AN ACTIVE AND INFORMED MEMBERSHIP

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## The Steward's Role

Membership involvement is the key to our power as a union:

- Finding solutions to on-the-job problems often depends as much on the amount of unity the membership shows as on the arguments we put forward.
- Winning better contracts or legislation depends largely on how organized and unified we appear to management or to public officials.

Stewards play an important role in helping the Local Union get members involved.

## Getting Members Involved

### Organization

Membership involvement depends on a strong network for two-way communications with every member. The members know best what is going on in the workplace. They are the best source of information and the union needs to be able to access that source easily and quickly.

Stewards work with local officers and business agents to set up that network. But since stewards are with fellow members on a daily basis, it is largely up to you to make it work.

### Education

Through your communication network, you can find out what issues are most important to members in order to match their interests to the needs of the local. Through education, members will learn why these issues are important and how their involvement will make a difference.

## **Action**

Local Unions sometimes organize actions on a particular issue in order to accomplish three goals:

- They send a clear message to management or politicians that members are united and serious about the issue.
- They allow members to participate directly in an activity, helping them see that “we are the union.”
- They may draw public attention to the union’s goals, helping to build community support.

A few examples of actions include wearing the same color of clothing on the same day, wearing a sticker or button, or presenting petitions or postcards to management officials. (*NOTE:* Buttons or stickers may not be permitted for some workers who interact with the public. Check first.)

## **Recruiting Volunteers and Keeping Them Active**

Serving as a steward requires a lot of time and hard work, but don’t feel you have to do it all yourself. Get help from other members. Involving others helps you get the job done and strengthens members’ understanding of the union. Here are some examples of what members have been asked by their Local Union to do:

- Help give out leaflets to workers who are organizing at a nonunion employer.
- Picket an employer in the area where workers are on strike.
- Collect food for members in the local who have been laid off.
- Write an article for the local newsletter.
- Circulate a petition about legislation on health care or workers’ rights.

A newsletter article or bulletin board notice asking for volunteers usually is not enough. You probably will need to actively recruit people in person.

## Tips to Get Members Involved

**Target people to approach in person.** Keep lists of potential volunteers with their names, phone numbers, activities they're involved in, and any interests they have. Try to match activities to the abilities, interests, and time volunteers can contribute.

**Remind potential volunteers of the special skills or expertise they have to contribute.** When members believe their particular skills are needed, they feel more committed to the work.

**Think about who should talk to the potential volunteer first.** Members should be asked to participate by someone they know and respect.

**Give people choices.** There is plenty of work to be done, so this shouldn't be a problem. Ask which of some specific assignments you can count on them for; assume that they will pick one. Write down their names once they agree. This shows that they are expected to follow through.

**Don't overload new people.** The easiest way to discourage volunteers is to give them too much work. Ask someone to take on one limited task. If they agree and carry it out, ask them to do something else. If there's too much to be done, recruit more volunteers.

**Be clear about the job you are asking them to do and the time that's involved.** People generally are unwilling to make an open-ended commitment, but will volunteer for jobs with a definite beginning and end.

**Assure recruits they'll have the training and support they need.** As their confidence grows, so will their participation.

**Make sure volunteers complete their assignments.** This sends the message that their contribution is important, and helps you catch mistakes early on.

**Encourage people to report their successes,** no matter how small. Give them recognition at meetings, in newsletters, or on bulletin boards.

**Involve members' families and retirees in union work.** That gives you a larger pool of people. Some members will find it easier to participate if their families are involved as well.

**Make it fun.** While it may be union work it should not seem like work. Many people get involved in activities as much for the social interaction as the cause.

## Increasing Attendance at Union Meetings

Stewards play a major role in getting members to come to union meetings.

**Ask each member to attend.** Most of the time, just posting a notice isn't enough. More members will attend if they are personally asked to do so.

If you can't contact each member yourself, ask others to help you. For example, you could ask the most active members to take responsibility for inviting particular co-workers.

**Ask those who didn't attend why not.** Talking to each member who didn't attend can help you suggest ways to increase turnout at meetings. For example, some members may not be able to attend because they have no ride. Perhaps carpools could be organized. Others may not be able to find child care. Perhaps teenagers could be recruited to take care of children in a separate room during the meeting.

Asking members directly is the best way to find out if the meetings are at an inconvenient time, or if certain subjects they are interested in should be added to the agenda.

**Tell workers who didn't attend what happened at the meeting.** It's important to keep people as informed as possible. Plus, the more they learn about union activities, the more likely they'll become interested in getting involved.

**Ask those who attend to recruit for the next meeting.** Members are the union's best recruiters. Surely each member can convince one other member to join him or her at the next meeting. If put into play, attendance would double each time.

**Help make meetings interesting.** Your union officials must handle business at union meetings that can seem dry to the average worker. Suggest ways that can make meetings more understandable and interesting to the members you work with.

# UNIONS' LEGAL PROTECTIONS AND RIGHTS

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*This section describes legal rights for private sector workers in the United States. Similar rights may apply to public sector workers and workers in Canada. Check with your Local Union.*

## **Legal Protections for Stewards**

While performing union duties, a steward has the legal right to be treated as an equal by management. Under the National Labor Relations Act (NLRA), union stewards (and other union representatives) cannot be punished or discriminated against because of their union activity, such as filing grievances or speaking out on behalf of other workers.

Among other things, an employer may not:

- Order a steward to perform extra or more difficult work than it would otherwise assign to a similarly situated worker.
- Deny a steward pay opportunities or promotions.
- Isolate a steward from other workers.
- Deprive a steward of overtime.
- Enforce rules more strictly against a steward.
- Supervise a steward more closely than other employees.

## **Duty of Fair Representation**

The union and its representatives, including stewards, have a legal obligation to represent all workers in the unit fairly, regardless of their membership status, race, religion, nationality, age or gender.

A worker who believes that the union has not met its “duty of fair representation” may file “unfair labor practice” charges with the National Labor Relations Board.



Therefore, stewards must be sure to do their best to handle each problem fairly even if the worker is not a union member, has unpopular beliefs, or has personality conflicts with the steward or other union leaders.

This doesn't mean the union can be found guilty of unfair labor practices simply for making mistakes or losing a case. It does mean that **each steward must...**

- **Conduct a full, fair, and unbiased investigation** and document it before deciding whether to pursue a grievance.
- **Act within time limits** for filing grievances.
- **Handle each case based on the facts** and not on who the worker happens to be.

## **Workers' Rights to Union Representation (*Weingarten*)**

Stewards work hard to prevent management officials from intimidating workers. This is especially important when supervisors conduct closed-door meetings to try to get employees to admit wrongdoing.

The right to have a steward or other union representative present in such meetings was established by the U.S. Supreme Court in a case known as *Weingarten*.

According to the Supreme Court, a worker is entitled to have a union representative present when a supervisor asks for information which could be used as a basis for discipline. Similar rights exist for public employees, but the rules vary from state to state, so check with your Local Union.

The worker must ask for union representation before or during the interview. Management has no obligation to inform workers of this right (*unless the collective bargaining agreement requires otherwise*). Stewards should regularly inform all workers:

“If you are ever called in by management and asked questions you think might lead to discipline, you have a legal right to request your union steward or other union representation to be present.”

Once a worker asks for a union representative to be present, any attempt by management to continue to ask questions is illegal until the steward arrives.

Sometimes, it is a good idea to give out wallet sized cards such as the example on the next page to members so that they will know what to say to management if called in to a meeting that could lead to discipline.

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

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

## The Steward’s Role in Interrogation Meetings...

**1**

**Before the meeting takes place, ask management its purpose.** By doing this, you will be able to prepare the member for the meeting.

**2**

**Before the meeting with management, meet privately with the worker.** Give the worker the following advice:

- Anticipate questions that may be asked.
- Watch what you say. It may be used against you.
- Don’t volunteer any extra information and keep answers short.
- Keep calm during the meeting.
- You are not alone! The union is here to help you.

**3**

**Take good notes on who says what.** Keep them in a notebook for reference if the case goes to another step or if you need arguments in another case.

**4**

**Stop the supervisor from harassing or abusing the worker.** You have the right to ask the supervisor to clarify questions so the worker can understand what is being asked.

You also have the right to give the worker advice on how to answer questions, and provide additional information to the supervisor after the meeting ends.

However, under the Weingarten rules, stewards do not have the right to tell workers not to answer questions or to give answers that are untrue. *If workers refuse to answer questions, they can be disciplined.*

**5**

**Recess the meeting for a few minutes if you need to talk privately with the member.** You may also need to ask that the meeting be continued at another time - for example, if new information is presented that requires more investigation or preparation.

# SOLVING PROBLEMS ON THE JOB

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When a member comes to you with a problem, get all the facts before seeking a solution.

**1**

## **Interview the Member**

Listen well and let the member express his or her feelings about what has happened. Ask questions to get all the facts and understand the situation. Don't interrupt with comments that may discourage the member from giving the full story.

Repeat what you have learned back to the member. Ask him or her to stop and correct you if you have gotten something wrong.

Ask the member (and other members affected by the same problem) to help you get the facts you need and come up with proposed solutions. You'll do a better job with their help, and they'll become more involved in the union.

**2**

## **Get All the Facts and Analyze the Situation**

### **Use the six W's**

**Who** is involved?

**What** is the problem, and what do we want done about it?

**When** did or does the problem occur? Did it happen recently enough to fall within any time limits in your grievance procedure? Be specific: (time, date, shift, week; is it an ongoing problem?)

**Where** does the problem occur? (In the parking lot, in one work group, on one shift)

**Why** does the problem occur?

**Witnesses?**

# 3

## What Kind of Problem Is It?

The solution to a problem hinges on what type of problem it is. Following are some possibilities:

- Contract Violation?
- Violation of federal, state, provincial, or local laws or regulations?
- In conflict with employer's work rules, personnel manual, civil service regulations, or other policies?
- Violation of past practice (a practice that the employer and union have accepted over an extended period of time)?
- Violation of fair treatment (treating one worker by different standards or rules than other workers)?

Even if a worker's problem does not fit into any of those categories, you should still try to help find a solution.

# 4

## What Are Possible Solutions?

If management would agree to any solution workers wanted, what would it be? Discuss this with the affected workers, other stewards, and, if needed, with the business agent or Local Union officers.

Consider all possible solutions, and weigh the pros and cons of each. For example, would a particular solution cause new problems for other workers?

# 5

## Decide on a Course of Action

Work with Local Union officials, the affected members, and other stewards to develop a strategy.

- **Informal meeting with management.** Many on-the-job problems are solved this way. Lay out the problem clearly and offer a solution. Listen carefully to management's response for possible areas of agreement.
- **Communicate and educate.** If appropriate, make sure other members know about the problem, the union's proposed solution, and management's position. See what ideas they have.

This process will prepare the way for further action, if needed. Sometimes, the mere fact that you are talking with other members about a problem will convince management to agree to a solution.

- **File a grievance.** If the employer has committed an offense, such as a violation of the contract, a change from past practice or an uneven application of the rules, a grievance may be necessary.

**Sometimes your Local Union may take other action to get problems solved. For example\*:**

**1. Showing membership unity.** The Local Union might organize petitions, moments of silence, or parking lot rallies to support workers who have been treated unfairly.

**2. Filing a complaint with a government agency** such as the Occupational Safety and Health Administration or the Equal Employment Opportunity Commission. Local Union officials can help you decide whether you have grounds for such a complaint.

**3. Involving public officials.** In some situations, pressure from politicians can convince management to agree to a solution.

**4. Organizing community pressure** by showing citizens how mistreatment of workers also affects them or by appealing to allies that the Laborers' have helped in the past. In some cases, LIUNA family members or retirees may be able contribute time and ideas to make these tactics successful.

**5. Using the news media** to gain community support and pressure the employer.

\*Note that most of these alternatives depend on member involvement or commitment to be successful.

# USING YOUR GRIEVANCE PROCEDURE

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## When is a Work Problem a Grievance?

As a steward, you will be asked to help find solutions to a wide range of problems. It is important to know when a worker's particular problem includes grounds for a grievance. The five possible grounds for a grievance are:

Violations of:

- The contract
- A federal, state, provincial, or municipal law
- Employer's rules or policies
- Fair treatment
- Past practice

Before you file a grievance, check your contract to find out about your specific grievance procedure.

### **"Work Now, Grieve Later"- Except for Unsafe Conditions**

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Arbitrators generally expect workers to follow management's instruction while waiting for a grievance to be filed and resolved. The major exception is if workers face serious danger to their health and safety if they do so.

## Your Contract's Grievance Procedure

Grievance procedures generally provide for a series of steps. It is important that you be familiar with the grievance procedure which has been negotiated by the union and which is explained in your contract. **It is also essential that you act according to any time limits specified in the contract.** Even the most worthy grievances can be lost if the time limits in the contract are not met.

While grievance procedures vary by contract, typically, the steps in a grievance procedure include...

- Step 1** Meetings between the steward and immediate supervisor.
- Step 2** Meetings between a Local Union representative and worksite management if there is no solution after Step 1.
- Step 3** Some contracts provide for another meeting between the Local Union and management. Others involve a grievance panel with representatives from both the union and management.

Generally, the grievance procedure becomes more formal and is dealt with by people at higher levels of authority as the steps progress.

**Final Resolution.** If the grievance is not resolved through the grievance procedure the Local Union decides to drop the grievance or proceed to arbitration. In arbitration a neutral third party hears the case and determines the resolution. The use of arbitration must be specified in the contract.

Your contract spells out the particular grievance procedure that applies to you and your co-workers. Read it carefully. In addition your Local Union may have a preferred process for pursuing grievances. Check with your Local Union representatives.

**Time Limits for Grievances -  
YOU HAVE TO MEET THEM!!!**

No matter how winnable a grievance, you can expect to lose it if you miss the time limits under your contract for processing the grievance at each step.

## **Advantages and Limitations of the Grievance Procedure**

### **Advantages**

- Makes it clear to management that the union will not ignore violations of workers' rights.
- Draws upper management's attention to the failure of supervisors to observe the contract or the law.



- May achieve a solution - an arbitrator's or panel's decision - which takes the final say away from the employer.

### **Limitations**

- Management can delay a final decision, frustrating members and putting economic pressure on those affected, particularly in discharge cases.
- Members passively expect "the union" to take care of everything, instead of involving themselves in more aggressive actions to help solve problems.
- Arbitrators sometimes split the difference - for instance, giving a fired worker the job back but without back pay, or ruling in the union's favor one time and then management's favor the next, even if the union was right both times. They do this because they fear they will have a hard time getting new cases if they get a reputation for finding in the workers' favor too often.

Given these advantages and limitations of the grievance procedure, you may have to...

- File a grievance in order to pressure the employer and make sure you meet the deadlines.
- At the same time, look for additional ways to bring about a solution.

### **Checklists for Analyzing Grievances**

Depending on whether you have a non-discipline or a discipline grievance, use the appropriate checklist to analyze the grievance and develop the strongest arguments.

#### **Checklist For Non-discipline Grievances**

If no discipline is imposed, then the union must prove that an offense, like a contract violation, has occurred.

- Is this a contract violation?
- Is this a violation of federal, state, provincial, or municipal law?
- Is this a violation of employer rules?
- Is this a violation of equal treatment of all workers?

- Is this a violation of past practice? How long has this past practice existed?

### **Discipline Grievance Checklist**

If the employer has imposed discipline, then the employer must prove it had "just cause."

- Was the employee adequately warned of the consequences of his/her conduct? The warning may be given orally or in writing. Were the employees given copies of any workplace rules or asked to sign something saying they saw copies?
- Is the employee being punished for conduct which has been allowed in the past? Management can't suddenly begin to crack down without first warning employees.

**NOTE-** The employer may not have to give a warning about certain conduct - for example, stealing company property - which workers are expected to know is unacceptable.

- Was the employer's rule or order reasonably related to efficient and safe operations?
- Did management investigate before administering discipline? Who, if anyone, did they talk to?
- Was the investigation fair and objective?
- Did the investigation produce substantial evidence or proof of guilt?
- Was there equal treatment? Were the rules, orders, or penalties applied even-handedly and without discrimination?
- Was progressive discipline used? Was a verbal or written warning given for the first offense?
- Was the discipline imposed too harsh? Was the discipline reasonably related to the seriousness of the offense?
- What does the employee's past record look like? How many years of service does the employee have? Any past disciplinary action? If yes, when and for what?

## **ESSENTIAL INFORMATION TO HELP ANALYZE GRIEVANCES**

### **Just Cause**

A key question in discipline cases is “Did management have ‘just cause’ for imposing the discipline?”

The “just cause” standard is written into most union contracts. Some contracts may use “cause”, “proper cause”, “reasonable and sufficient cause”, etc. These usually mean the same as “just cause”.

Even if a contract does not use the words “just cause”, an arbitrator may apply that standard anyway.

“Just Cause” means that the employer...

- Had good reason to discipline the worker
- Took action consistent with past practice.
- Treated the worker as other workers have been treated.
- Took action that was appropriate for the particular offense.

### **Past Practice**

Past practice is a consistent and frequent pattern of conduct by the employer over a period of years which benefits employees. Both management and the union must have known about and accepted the conduct.

An example of a past practice is a fifteen minute wash-up period at the end of a shift, not mentioned in the contract, which for years has been allowed by a particular employer. If an employer tries to discipline someone who was following a well-established past practice, you should file a grievance.

Past practice can also be used by management against employees. If members wait years to file a grievance against a new management policy that is not directly addressed in the contract, management may argue that it has become a past practice. That is why it is very important to challenge management actions right away when you think they may violate members’ rights.

## **Progressive Discipline**

The union should argue that management should use a system of progressive discipline, under which the employee is warned for a first offense and given a penalty for a second offense before being hit with a discharge. Even if not stated in the contract, an arbitrator may consider this to be reasonable.

A common pattern in progressive discipline is:

1. Oral Warning
2. Written Warning
3. Suspension
4. Discharge

Note that progressive discipline may not apply for certain major offenses like violence or theft of employer property.

## **Equal Treatment**

All employees must be judged by the same standards, and the rules must apply equally to all.

All employees who engage in the same type of misconduct must be treated the same unless there is a good reason for a difference (such as differences in fault, or differences in past records).

If arguing that an employee has not been treated equally, it's important to show that management knew that other employees had committed the same offense and treated them differently.

## WRITING A GRIEVANCE

Most LIUNA Local Unions have a grievance form which must be used when filing a formal grievance. You should request copies of this form and be familiar with the information required.

Below are some general points on writing a formal grievance.

**1**

### **Limit Details to Basic Information**

Provide only enough information to identify the grievance so that management understands...

- What the basic problem is.
- What violations occurred.
- How the problem should be fixed.

**2**

### **Don't Limit Contract Violations**

In stating why there is a grievance, say that the employer's conduct "*violates Article \_\_\_ of the contract, and all other relevant articles of the contract.*" The last phrase protects you in case you discover that more parts of the contract were violated than you thought.

**3**

### **Avoid Personal Opinions and Characterizations**

The grievance states the union's position, not your (or the grievant's) opinion. Avoid the use of phrases like "I think" or opinions about managers.

**4**

### **Don't Limit the Remedy or Solution**

In stating the remedy or solution you want, say you want the grievant "made whole in every way." Don't forget to include whatever specific remedies the union has in mind to solve the problem or issue.

The phrase "made whole in every way" protects you in case you think of ways the employee has been hurt by management that didn't occur to you at first.

**5**

### **Consult With the Grievant**

Go over the written grievance. Explain the requested remedy or solution and get the grievant's full understanding and agreement so there is no question later. If you and the grievant disagree about the proper remedy, consult with your business agent or Local Union officers.

**6**

### **Consult With Local Union Officials**

For grievances that are difficult or complicated, or that affect the whole workforce, it is important that you consult your Local Union officials for proper wording. However, **make sure you file the grievance within the time limits in your grievance procedure.**

# THE STEWARD'S ROLE IN BUILDING THE UNION

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## Building LIUNA Grassroots Political Action

Our union's grassroots political action program gives LIUNA families a voice in government. It allows us to counteract powerful corporate special interests on issues such as workers' rights, fair trade, health care reform, fair taxes, regulatory reform, and investment in good jobs. Stewards play a big part in involving our members in our political action program.

**1**

### **Campaigning on Issues**

Our union conducts campaigns on major national, state, or local issues to hold politicians of all parties accountable to working people. These issue campaigns may involve petitions, rallies, town meetings, visits to public officials, or other actions. Often, these campaigns are organized in cooperation with other unions and community groups. You can help by participating yourself, encouraging others to do so, and keeping all workers informed about the campaigns.

**2**

### **Electing Pro-Labor Candidates**

Stewards should help the Local Union with voter registration drives, support for pro-labor politicians, and getting out the vote on Election Day. Your Local Union Officers can give you more details.

**3**

### **Strengthening LPL in the United States**

LPL (Laborers' Political League) is the LIUNA political action fund in the United States. LPL is necessary because union dues money cannot be contributed to political candidates.

Every member you represent should be asked to contribute to LPL. New employees should be asked shortly after starting the job. A good time to ask for LPL contributions is when you are discussing ongoing LIUNA campaigns on important political issues.

Some contracts provide for LPL contributions to be deducted automatically from the paychecks of any member who signs up for LPL check-off. If you do not have that contract right, members must send in their contributions to LPL.

Your Local Union or Regional Office can give you the necessary forms.

## **Supporting LIUNA Organizing**

As Laborers, we understand that everything we have achieved can be taken away if we do not continue to organize. Non-union employers try to paint the union as an outside institution that is only interested in workers' dues. The best way to counter that is for current union members to talk face-to-face with workers who are considering organizing a union. That can take place at workers' homes or other locations where private conversations are possible.

Successful Local Unions train stewards to help make these contacts. Others ask stewards to encourage co-workers to be trained as volunteer organizers. The International Union assists Local Unions that want to conduct volunteer organizer training.

When you run into unorganized workers on the job or in the community, ask them about their jobs and their concerns. After lots of listening and asking questions, tell them how being part of the Laborers' International Union of North America gives you more of a voice in the workplace and community as well as helps you solve work-related problems.

## **Reaching Out to the Community**

Many Local Unions have ongoing programs to work with community groups - some political, some social, and some charitable. These relationships help strengthen our communities and can result in valuable alliances when we need help achieving union goals.

Many locals use a simple survey like the one shown on the next page to find out from their members what ties they have to community groups. It is helpful to have the information in hand and build better links to the community before a crisis when the local needs community support.



**LIUNA COMMUNITY ACTION SURVEY**

Help Strengthen and Improve Our Community and Our Union.

Our ties with organizations in the community and elsewhere can help us to win contracts, better working conditions, and development in our community. Our union is trying to improve our relationship with community groups and to work with those groups toward common goals. Please help by answering the questions on this survey.

- 1. Please list any organizations in which you or your family members are active (PTA, religious groups, ethnic groups, civic organizations, political action groups, etc.). Also list the role you play in the organization (member, officer, volunteer, etc.).

ORGANIZATION

YOUR ROLE

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

- 2. Do you have any ideas about ways in which our Local Union can work with community organizations with which you are involved?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 3. Please rank the following issues by importance. Start with a "1" for what you feel to be the most important priority for our Local Union Community Action Plan, a "2" for the next issue of importance, and so on until you have ranked all of the choices. If you feel that a high priority issue is not listed, please add it in the space provided. Add as many as you would like.

\_\_\_\_ Child Care                      \_\_\_\_ Education                      \_\_\_\_ Taxes  
\_\_\_\_ Domestic Violence              \_\_\_\_ Health Care                      \_\_\_\_ Transportation  
\_\_\_\_ Drug Abuse                        \_\_\_\_ Housing                            \_\_\_\_ Other(s) -Please List  
\_\_\_\_\_  
\_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
WorkPhone \_\_\_\_\_ HomePhone \_\_\_\_\_

## Staying Informed

Your Local Union Officials are your primary source for information about your Local Union and its activities. In addition, there are various LIUNA sources with updates on collective bargaining, legislation, organizing, and other union activities.

If your Local Union, District Council or Regional Office produces a newsletter, read it. The International Union publishes a magazine, *The Laborer*, which is a good source of information on issues and activities that are important to members. It is mailed to the homes of all LIUNA members.

Other sources of useful information are the following LIUNA websites:

[www.liuna.org](http://www.liuna.org)

[www.laborers-agc.org](http://www.laborers-agc.org)

[www.lecet.org](http://www.lecet.org)

[www.lhsfna.org](http://www.lhsfna.org)

And the AFL-CIO website:

[www.aflcio.org](http://www.aflcio.org)

These websites have links to other organizations that affect working people.

# CONCLUSION

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Your role as a steward is vitally important to the success of your local and to the labor movement as a whole. Your union officers can't be everywhere at once and they can't do everything by themselves. That is why they need good leaders like you to help carry the ball. Your work as a steward will make the union stronger and make things better for all the members your Local Union represents.

This manual includes a lot of information. It may seem overwhelming at first, but over time it will come more naturally to you. This manual and training is one of many tools and resources at your disposal. Take advantage of this and all training and publications that you have available to help you learn more about your union and how to improve your skills. Seek assistance from your Local Union and from other members and stewards as you need it. That is what a union is all about.