

# What Special Rules Protect Union Stewards?

## (Instructor Answer Key)

1. Steward Sally Sanders has been at third step grievance meetings for two hours this afternoon. When she gets back, she finds she's not on the daily overtime sheet. She asks Supervisor Fred Tucker why, and he says, "You weren't here so I couldn't ask you if you could work." Should Sally get overtime?

(Circle one): **YES**                      *or*                      **NO**

**Yes**, because of "No Reprisals Rule." (Assuming it was her turn for overtime.)

- Sally was doing her job as union steward. Company can't retaliate by denying benefits like overtime, transfers or promotions.
- Fred knew where she was. He could have called her.

2. Fred's actions start Sally investigating overtime. At lunch and breaks, she talks to people in the break room and people who are working in other departments. She gives them fliers and asks them to sign overtime grievances. One day in the break room Fred walks up to her "You're breaking so many rules here I should have thrown you out the door." he growls. "You think you can run a union meeting here on company property? Pass out these union papers all over the plant? Can Fred "throw her out the door"?"

(Circle one): **YES**                      *or*                      **NO**

**Probably not**, but she has to be careful where she does her organizing.

- The law gives all workers (not just stewards) the right to talk about the union anywhere they can talk about any non-work issues.
- The law gives workers the right to pass out union materials in non-work areas (like the break rooms).
- Sally could be in trouble for talking to workers in other departments while they work (if there is a rule against going into other departments) and handing out fliers in their work areas.

3. Ever since Sally started questioning overtime, Fred spends at least an hour a day standing by her machine, watching her work. He says he's trying to find out why her work is so bad. He's given her two warnings for poor quality in two weeks, even though she's run the job for two years without a warning of any kind until now. Can Fred do this?

(Circle one): **YES**                      *or*                      **NO**

**No**, because of "No Reprisals Rule."

- Just because Fred says the harassment and discipline are not for union activity, the facts say the opposite: Fred started his harassment when Sally started questioning overtime, and he is suddenly finding quality problems with Sally's work that no one has found in two years.
  - Unless Fred could come up with proof that a problem had developed right before he started checking Sally's work, a neutral third party, like an arbitrator or labor board judge, would find it hard to believe Fred's explanation.
4. Sally enters Fred's office to schedule grievance meetings. "Fred, we're getting further behind on grievances..." she begins. Fred interrupts her. "Sally, I am supervisor, and I think it's more appropriate for you to call me Mr. Tucker." Sally shocked. She's always called him Fred, and would feel like a child if she called him "Mr." while he called her "Sally". Can Fred insist on this?

(Circle one): **YES**                      *or*                      **NO**

**Not when she's acting as steward** (unless he agrees to call her Ms. Sanders) because of "Equality Rule".

- Rule says when stewards are acting as union stewards, they're in an equal role with company representatives.
  - Sally could have said, "I'll call you Mr. Tucker as long as you call me Ms. Sanders." If Fred still calls her Sally, she should still call him Fred when acting as steward.
5. Whenever work in Sally's department bottlenecks during inspection, someone is transferred to help out. Most people get an extra \$1.25 an hour for work in the higher pay grade. The worker with the highest quality rating is supposed to get the transfer. For the past several months, that has been Sally. Even with recent problems, Sally still has the highest rating. So there's steam coming out of her ears when Fred tells her why he's transferring Denise today. "I know you're still highest, but you're slipping while Denise is getting better. And you're the union steward, you're supposed to set an example. I have to show people you're not a good example." Sally loses it. "Fred, you are a scheming, lying worm and I'm

tired of your abuse!” she shouts. “Keep it up Sally”, he says, “And I’ll have you on insubordination.” Is Sally in trouble?

(Circle one): **YES**                      *or*                      **NO**

**It depends** on how workers are allowed to talk to their supervisors.

- Fred does not have the right to hold her to a higher standard (equal standards rule).
- Sally was not acting as a steward. She was voicing her frustration as a worker at not getting the transfer she felt she should get. It would be hard to argue that she was acting as a union representative when she yelled at him.

6. In addition to Sally, nine workers who signed the group grievance on overtime show up at Fred’s door for their grievance meeting. He stares at them a minute, then turns to Sally. “I don’t know what game you’re playing, young lady, but this isn’t funny. I am not going to turn a grievance meeting into a circus. I’ll meet with you and one other associate and that’s it.” Sally turns to them. “Everybody just stay here a minute. Fred,” she says calmly, “Last week you agreed...” Fred interrupts, “Sally, shut up and listen”. He puts his hand close to her face as he raises his fingers to count off. “One, you will call me Mr. Tucker. Two, I refuse to meet with this entire group. Three...” “No Fred, you shut up and listen,” Sally shoots back, raising her own hand to imitate Fred’s gestures. “One, you’ve broken the law over and over and I’m filing charges with the Labor Board tomorrow. Two...” “Two nothing!” Fred roared. “You have tried to assault me with that hand in my face, you have threatened me, you have been insubordinate, and You Are Fired!” Is Sally out of a job?

(Circle one): **YES**                      *or*                      **NO**

**Probably not**, because of the “Equality Rule.”

- If Sally had not stood up to Fred, would her co-workers feel the union had any strength?
- Who started using the aggressive work and tone? Who initiated the hand gestures? Who told the other to “shut up” first? Does it matter who was first? (Since Fred clearly instigated at every step, he is more at fault than Sally for anything that went beyond the accepted boundaries for boss-steward interaction.)
- It is acceptable for a steward to threaten legal action, such as going to the labor board? (Yes. The treats that are prohibited are of violence or physical harm.)
- If Fred had been totally reasonable but Sally got angry anyway and acted as she did, could Fred get away with firing her? (Her case wouldn’t be as strong, but given the history of this issue, she actually didn’t say or do anything totally out of line.)

- If a steward starts arguing with management, what happens if some workers follow the steward's lead and jump into the argument? Are they protected? (It is only the steward that has the Equality Rule protection.) That's why it's a good idea to explain to workers before grievance meetings that the steward has some protections in this kind of setting, but the grievant should not assume they can also yell at the boss or ignore the boss's orders and get away with it. Sally is on shaky ground telling them to ignore Fred's order to go back to work.