

GRIEVANCE PREPARATION: POINTS TO REMEMBER

1. **Arrange to meet with the grievant for a preparation session**
 - 1) Go over the incident giving rise to the grievance to make sure you have all the key points.
 - 2) Advise the grievant that you, as the steward, will be the presenter.
 - 3) Plan the grievant's role in the meeting. Coach the grievant about demeanor during the meeting and discuss what the grievant will say.
 - 4) Prepare the grievant for potential comments/statements from the supervisor.
 - 5) Let the grievant know the hearing officer may have additional questions. Determine ahead of time how you and the grievant will handle.

2. **Determine the contract violations.** Always argue just cause on **discipline** grievances as well as other articles that may apply. For example, if an employee is disciplined for sick leave abuse, you might also want to cite the sick leave article, leave article, review FMLA and consider if the individual has any protections under ADA. For **language** grievances, consult ahead of time with the Chief Steward and/or Staff Representative to be aware of practice and history.

3. **Develop your argument.** You need to know what you are arguing before you can determine the information you might need to support your position. Remember, your job is to explain how the contract was violated.
4. **Anticipate the Employer's argument.** This may help you think on your feet during the meeting.
5. **Investigate and don't procrastinate.** Proper investigation should be done at the first step and not one day before the grievance meeting is scheduled. You might need to interview co-workers and you want to make sure they will be available. You may need to request information from management and it might take some time to compile it.
6. **Complete the checklists provided in your Steward Manual.** Also review the handout on what information you have a right to request. On discipline grievances, always get a copy of the employee's file and copies of any investigation notes.
7. **Complete the information fact sheet provided in your Steward Manual.** The staff representative will require this at third step but it is better to start it before you present at first step, as it will help you develop your argument.
8. **Make copies of all documents that you will refer to.** Make enough copies for all parties at the grievance meeting.
9. **Develop a system.** Make a file on every issue you are working on and keep records of all conversations and contacts with the grievant and management. You can use the grievance contact sheet or develop your own logging system.

GRIEVANCE PROCEDURE: POINTS TO REMEMBER

1. **DO NOT MISS A TIME LINE! When in doubt, file!** If you are unsure if a member has a "grievable" complaint and you are close to deadline for filing, file the grievance, now. You can sort out later if the problem is really grievable or if another strategy is more appropriate. You can always withdraw a grievance after it has been filed.

2. **Involve the grievant in the process.** Inform them along the way, explain the process, and have them present at the grievance meeting. Be honest about your expectations - no grievance is ever a "sure win".

3. **Don't promise what you might not be able to deliver.** Don't promise the grievant that his/her case is a "slam dunk" as no grievance is a "sure win". You can't guarantee a win and might be setting up high expectations that will not be met.

4. **Document well.** Keep a log of all phone conversations including dates and times. Confirm all verbal settlements and agreements in writing.

5. **Class Action Grievances can be filed.** If there is no individual grievant or there is a practice that more than one person, you can file a class action grievance. For example, you might discover that a supervisor has been improperly administering the contract language on overtime distribution for a period of time. A class action grievance might be appropriate in this case.

6. **Talk to all parties that might be affected by a grievance.** Protection of one person's rights might have a negative impact on another's. For example, you could represent somebody whose bidding rights were denied. The remedy that you are asking for would displace the person who got the job. You need to tell the grievant that it is necessary to talk to the other member and explain to him/her that you, as a steward, have a responsibility to protect the integrity of the language so other people's rights will not be violated in the same way. Remember that we represent all members.

7. **Try to exhaust each step before advancing to the next.** Timelines can be extended but should always be in writing. If the boss is unreasonably delaying the process, you might want to make a strategic decision to move on and refuse to extend timelines further.

8. **Union should not be responsible for delaying the process.** Members complain about the process taking so long. We are also guilty of delays. The best way to avoid this is to prepare early. Don't wait for the last minute and then realize you did not request the information you needed to prepare your case.

9. **Actively enforce the contract.** On language grievances, if you see a violation, file. Talk to the member(s) affected and involve them in the process, if possible.

10. **Any contact with members is an opportunity to organize.** Remember that some issues are great organizing opportunities. If it is deeply felt by many people, consider organizing around the issue by involving them in workplace actions and tactics.

11. **Remember your Duty of Fair Representation.** The Union cannot discriminate against non-members or for any other reason that people are given non-discrimination rights under the law. Don't dismiss any complaint out-of-hand.

12. **Don't operate in a vacuum.** Do not hesitate to consult more experienced stewards, your Chief Steward or President, or staff representative. You are not expected to know all the answers.

13. **Communicating with others is essential to solidarity.** Remember that the Union's ability to serve all the members is weakened when the various parts of the organization are not coordinated. Leaders and members should know their responsibilities, as well as their rights, in the grievance procedure. You should always keep your Chief Steward informed.

PRESENTING THE GRIEVANCE: POINTS TO REMEMBER

1. **Remember to have the meeting in as neutral territory as possible, like a conference room.** Do not agree to a grievance meeting in the Employer's office.
2. **The grievance meeting belongs to the Union.** This is a conference of equals, not a meeting held by management. Be assertive and confident.
3. **The burden of proof is on the Employer in discipline grievances but the burden lies with the Union on language grievances.** The side that has the burden of proof goes first. The Steward can request that management present their case first on a discipline grievance. This may be helpful as you might hear something new that you need to respond to.
4. **Decide beforehand how much of a role you want the grievant to play.** The Steward should present the argument but perhaps you want the grievant to tell his/her side of the story. On the other hand, you might advise the grievant to say as little as possible. Your judgment is dependent on whether you feel the grievant will help or hurt.
5. **Listen to the Employer's presentation without interruption.** You will have a chance to respond when it's your turn. Do not make the mistake of becoming argumentative.
6. **You can request a caucus.** If there are surprises raised, you may need some time to confer with the grievant. Inform the Employer Representative that you would like a few minutes to caucus. If you feel the need to make additional comments, now is the time to do this.

7. Be clear in your presentation.

- 1) State the simple facts:** "Joe was given an oral warning for insubordination on December 5, 2005."
- 2) State which contract article was violated:** "This violates Section 1 of Article 16."
- 3) State the desired remedy:** "Remove any record of the discipline and in all ways make whole."
- 4) Tell the story.** Explain in your words what happened - give the grievant's perspective or, if decided earlier, allow her/him to tell.
- 5) Present your argument.** In discipline grievances, review the seven tests of just cause to explain how the provision of the contract was violated. Present your argument for any other contract article that you included. Stick to the contractual arguments, don't get sidetracked.
- 6) Present pertinent evidence that supports your argument.** Make copies of documents and present them the management representatives. Witness testimony might also be considered in some cases. Find ways to illustrate your point.
- 7) Restate the desired remedy.** Here is a good time to indicate if there are any other settlement options. For example, if you have discussed and agreed with the grievant that a reduction in discipline would be appropriate and acceptable, indicate to the individual hearing the grievance that you are willing to discuss other settlement ideas, if they have any.

8. Make copies of all documentation you use in your argument.

9. Be professional. Be respectful and polite. Disagree with dignity. Your credibility and the Union's credibility are on the line.

10. When ending the meeting, clarify the timelines with the Employer, when the Union/grievant can expect the response and who should be sent copies.