



STEWARDS CORNER

Monthly Newsletter for Union Stewards

What's In Your Collective Bargaining Agreement?

As a Union member, you have the exceptional privilege of working under a collective bargaining agreement (CBA), and as Union Stewards we are challenged with ensuring that the agreement is defended and enforced.

Learning its history can help you understand how all of its different parts work together. Most CBAs share certain features (for example, they all include grievance procedures and Union recognition clauses), but they have their differences, too. USW members work in every sector of the economy; in each industry, the Union and management bargain over their priorities based on the financial state of the employer, the needs of the membership, and their relative power.

In most instances, your CBA covers three areas: wages, hours of work, and working conditions. These are known as **mandatory subjects of bargaining**. The range of these subjects is extensive, and they must be bargained over if either party makes a proposal that involves them. This does not mean that parties have to reach agreement on the item, but they do have to engage in good faith negotiations over it.

Occasionally, CBAs have **permissive subjects of bargaining** in them. These subjects fall outside wages, hours, and working conditions and are generally related to the nature of the business or internal union affairs (for instance, the makeup of the Union's bargaining committee or how the employer selects its supervisors). One party may present proposals about these subjects, but the other party can refuse to bargain over them without fearing an unfair labor practice (ULP) charge.

The Different Rights in Your CBA

The CBA between the USW and your employer defines a set of rights for the workers in your bargaining unit. Without a Union and CBA, your employer could do whatever it wants to. These are hard-fought gains and your job as a steward is to see

that the employer lives up to their obligations. There are three categories of rights in a CBA:

- **Economic Rights:** what provisions of your CBA cover compensation or benefits that the employer pays to workers? This includes wages, health insurance, overtime and shift differentials, vacation, or any other time that workers are compensated for.
- **Workers' Rights:** this is a broad range of subjects that impact working conditions. Does your CBA have language about safety and health? What about discipline and discharge? How does your CBA define meal and break periods or layoffs and recalls?
- **Union Rights:** what rights does the Union have in your CBA? Can stewards handle grievances on work time, or do they need to do it off the clock? Does the Union have time to meet with new hires? Do members have access to union leave? What about bulletin boards for the Union?

The majority of issues you handle as a steward will involve **economic rights** and **workers' rights**. However, your **union rights** are important to your role as a Union representative. The core function of our Union is to negotiate good wages, benefits, and working conditions -- our Union rights help us defend and expand them.

A good way to learn the background of your CBA is to talk with your local union President, Grievance Committee members, or Staff Representative. There are years of accumulated knowledge in every local union. Talk with previous stewards and longtime activists and you'll pick up a lot of good information in no time!

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Weingarten Rights: The Right to Union Representation

A member of management starts asking a coworker questions about an issue that took place the previous day: What should she do? What can you do as her Steward? First, know that a member has a right to union representation if the questions could possibly lead to discipline.

Now let's talk in more detail about what [Weingarten](#) rights mean for members and for the stewards who represent them and how they get exercised...Our [Weingarten](#) rights come from a 1975 Supreme Court decision which held that workers in unionized workplaces have a right to union representation when being interrogated by management. Under [Weingarten](#), workers can refuse to respond to a member of management until a union steward or other representative is present if they believe the questioning might result in disciplinary action. But, the member has to request representation. That's where you come in as an educator.

What Does Weingarten Mean for Stewards as Educators?

Make an effort to educate every member in your department, shift, ect. about *Weingarten* rights. You can do this by having one-on-one conversations. Ask your Local to order *Weingarten* cards and hand them out to each member. Not only does this conversation make sure the member knows their rights, but it helps establish you as a leader. Some CBAs have language that requires management to inform members of their *Weingarten* rights, but this is often not the case. It's also good to educate members that casual conversations between a worker and a member of management can become a situation in which they should ask for representation if the manager starts asking questions.

Most of all, members should know that they can invoke their *Weingarten* rights by simply stating, "I'd like to invoke my right to have my union representative present."

How Do Stewards Represent Members Who've Invoked Their Weingarten Rights?

As a steward, once a member has invoked their *Weingarten* rights, you function as an **equal to management** and have the right to:

1. Privately caucus with the member--insist on this. Get the member's story and make a strategy for when you go back into the meeting.
2. During the caucus, you can counsel the member regarding responding to management's questions.
3. Ask management why the member is being questioned.
4. Ask for documents and information related to the line of questioning.
5. Document the interview - [take notes](#) during and after the meeting.
6. Prevent intimidation and fishing expeditions intended to get the worker to self-incriminate.

Remember, *Weingarten* rights are a powerful tool we have to protect our members and prevent closed-door interrogations. Make sure your members know you have their backs and that they should always ask for a union representative when they think a conversation with management may lead to disciplinary action. For questions about *Weingarten* rights, contact your Local Union President or USW Staff Representative.

TEACHING TUESDAYS

11/2/21: Roles of Union Stewards ([11 AM EST](#)) ([8 PM EST](#))

11/9/21: Duties of Union Officers ([11 AM EST](#)) ([8 PM EST](#))

11/16/21: New Hire Orientation ([11 AM EST](#)) ([8 PM EST](#))

12/7/21: Legal Rights and Responsibilities of Union Stewards ([11 AM EST](#)) ([8 PM EST](#))

12/14/21: Building Local Union Committees ([11 AM EST](#)) ([8 PM EST](#))

Check out our online education classes by registering via the links below or scanning the QR code.

- All classes are held at **11 AM (EST)** and **8 PM (EST)**.
- Click on the time slot that you can attend to register for the classes you want to take.
- **All classes' times are in Eastern Standard Time**
- Steward Training Classes are on the 1st Tuesday of every month.
- All Classes are being held via Zoom.
- Classes are 1-hour 30-minute sessions.

SCAN THE QR CODE TO GET MORE INFORMATION
<http://education.usw.org/blog/nov-dec-21>

