



STEWARDS CORNER

Monthly Newsletter for Union Stewards

Your Duty of Fair Representation

Fairness is one of the basic principles that guides our union. In the absence of a union, employers have the unilateral ability to change their employees' wages, hours, and terms and conditions of work. Their attitude is, "If you don't like the way things are, there's the door."

However, we believe in better, and that conviction influences everything we do. Two important and related concepts are attached to our role as union representatives

First, the union is the **exclusive bargaining agent** for the workers covered by the collective bargaining agreement (CBA.) Your CBA has a section that defines the "scope" of your bargaining unit. Together, united as a union, we are the sole voice for all of the workers we represent. Because of that, as union representatives, stewards, and grievance committee members we have very specific responsibilities.

This is where your **duty of fair representation** (or "DFR") comes in. We owe every worker covered by a CBA the same level of representation in collective bargaining and grievance handling. Just as our USW Constitution calls us to do, we represent all regardless of gender identity, ethnicity and national origin, race, sex, sexual orientation, or union membership. We unite all...and we represent all. To not do so violates our basic principles of fairness. The penalties for violating our DFR are costly, both financially and in terms our union's reputation.

Fortunately, it's easy to provide representation that goes above and beyond the basic DFR requirements. Remember: listen, investigate, document, and make decisions based on the evidence.

Here are some tips:

1. **Investigate every issue ASAP.** Once a member brings an issue to you, you have an obligation to fully investigate it and remember to keep all timelines in mind. You never want to be in a situation in which you lose a grievance because it wasn't filed in accordance with the grievance procedure. This could violate your DFR. More importantly,

prompt investigations show that you take your role as a steward seriously.

2. **Follow up & stay in contact.** You've got to keep people informed on the status of the investigation and grievance. If you tell someone you'll get back to them...do it! In fact, just do it! Your members don't know you are working for them unless you stay in touch. If you drop the ball, it's tough to rebuild trust. Document the date and time that you talk with people; save emails, text messages, and call logs. If an issue becomes a grievance, include this information in the grievance file.
3. **Base decisions on merit.** *Is this a violation of the CBA?* That's the first question to ask yourself. You can't base your decisions on the flip of a coin. More specifically, unions violate their DFR when their actions are:
 - **Arbitrary:** Making decisions about grievances with no logic or reasoning.
 - **Discriminatory:** Not investigating an issue because of who a person is. For example, to not represent someone because they are not a member of the union or because of their sexual orientation.
 - **In bad faith:** Acting in a misleading or deceiving manner.
4. **Don't go it alone.** Seek advice. Talk with other stewards, grievors, or Local Union officers about the issue. Experience will teach you a lot, but you can learn from others, too. But, remember that you also need to protect confidentiality, so don't broadly share personal information without permission.

These guidelines come from a 1967 Supreme Court decision, *Vaca v. Sipes*. However, our commitment to fairness began at our union's founding convention in 1942 when it pledged, *To unite in one organization, regardless of creed, color or nationality, all workmen and working women eligible for membership.*

For questions about your Duty of Fair Representation contact your Local Union President or USW Staff Representative.



Information requests are an important tool. Requesting information from the company is an assurance that you are representing your members to the fullest. There is nothing more satisfying than resolving a grievance with information the company has provided. Every request should be in writing. It establishes a paper trail for future grievance steps and you shouldn't be caught off guard by any surprises. Information requests need to be pertinent to the grievance, but no request is too large or too small. This is an important right that we have under the NLRA. Use it. It is Power!

Karin Boland, USW member for 42 years; Steward for 26 years and Grievance Committee Chair for 23 years (District 10, Local 1917)

• **Find out about the Union's right to information on the next page**

The Union's Right to Information

Unions possess the unique ability to access information from an employer that is otherwise off limits to non-union workers in the private sector. The National Labor Relations Board understands that in order for a union to effectively represent its membership when an employer is all-knowing and the union operates in an information vacuum.

Labor law levels the playing field and requires employers to provide information related to mandatory subjects of bargaining (wages, hours and working conditions) when requested by the union. Unions are entitled to information from the company when investigating a grievance, negotiating a collective bargaining agreement, preparing an arbitration case, and generally monitoring for contract compliance.

Though some information* is privileged and exempt from union information requests, the majority of information held by an employer is union-accessible if it pertains to a condition of employment and the information requested is relevant to an active grievance investigation, upcoming or active negotiations, and other legitimate contract administration functions.

Here a just a few of the types of information that unions are entitled to:

- Personnel Files
- Job Qualifications
- Production Records
- Seniority Lists
- Investigatory Files
- Subcontracts
- Accident Reports
- Video Surveillance
- Prior Arbitration Awards
- Bid Applications
- Efficiency Studies
- Schedules
- Customer Lists
- Bargaining Notes
- Health and Safety Audits

Countless of other types of information are available as it relates to your specific workplace.

Tips when requesting information:

- Put it in writing. Keep a copy for your records.
- Date the request and indicate the time frame in which you expect to receive the information**
- Consider including a “catch all” inquiry to obtain additional data that may inform a disciplinary decision, contract proposal, or change in operations, i.e.: “any correspondence, data, notes and other documents that led the company to _____.”
- Ask the employer to put in writing what, if any, information they do not agree to provide and the basis for that denial.

* Trade secrets, financial data of privately-held companies, and employee medical information that has not been authorized for release by said employee, among some other types if information are confidential.

** The law does not specify how many days an employer as to respond to the union’s information request, but typically 10 days should suffice absent an unusually burdensome request.



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