



STEWARDS CORNER

Monthly Newsletter for Union Stewards

Setting an Advocate Up for Success at Arbitration

A steward should aspire to resolve a potential grievance informally or at the earliest steps of the grievance procedure. However, some grievances escalate up the grievance procedure and, on occasion, are appealed to arbitration. Occasionally, grievances that seem like they should be easy to resolve without exhausting the grievance procedure may end up being arbitrated. When a grievance is arbitrated, typically the person who handles the grievance, the advocate, is not the person who first investigated the grievance.

The steward or grievance handler should investigate and document all grievances assuming that a staff representative or other USW staff may become responsible for presenting the grievance at arbitration. They will rely on your initial investigation and records to inform and build their case. Numerous variables influence whether a grievance is won or lost at arbitration. Still, there are a few best practices that an initial grievance investigator can do to set an advocate up for success.

1. The grievance file should contain all information gathered during the investigation. Be sure to include witness statements and contact information, grievance meeting notes, written employer responses, bargaining notes, information requests, personnel files, the grievance package, fact sheets including a thorough chronology of events, and all other documents obtained during the investigation. Make sure all your notes are legible, and date everything! You are documenting the information that builds the case.

Even information that may be initially dismissed as irrelevant or circumstantial may have an important part to play when an advocate formulates their arguments and supporting evidence.

Have witnesses sign witness statements. Witness statements cannot be entered into evidence at arbitration without the actual witness testifying. However, having a witness author or sign a witness statement is an excellent way to ensure a witness recalls all the key facts. Supported testimony is far more convincing than unsupported testimony, and unaided memory is less reliable.

2. Write broadly worded grievances that include “catchall” language. If the grievance is a contract violation, cite the relevant language that you believe has been violated and the phrase “and all other provisions and practices that apply.” This enables an arbitrator to consider all contract sections that may be relevant to the grievance. Suppose the arbitrator disagrees that the specific articles of the contract cited by the union were, in fact, violations. In that case, they may

capture a potential violation under another section of the CBA you had not previously considered. If the grievance is disciplinary in nature, in addition to requesting the discipline be removed, be sure to also ask the grievant “to be made whole.” There are often benefits, both monetary and non-monetary in nature, that the union may not capture in the grievance remedy. Asking that the grievant be made whole gives an arbitrator jurisdiction to consider all the benefits the employee may have otherwise accrued had they not been suspended or terminated.

3. Make sure to have the grievance signed. If the grievance affects a singular individual, have that member sign the grievance. If the grievance involves more than one individual, have the aggrieved members sign a group grievance. Some contracts prevent the union from filing a grievance on behalf of members who are not signatory to the grievance. Likewise, some arbitrators may deny a grievance if it is only signed by a steward (unless the grievance specifically violates union rights as provided in the contract).

4. Stewards should write contemporaneous notes when documenting a witness interview, grievance step meeting, or bargaining session. Notes written after the fact are seen as less credible. If you type up your notes later, keep the original handwritten notes. The notetaker should also sign them so that an advocate knows which steward or union representative can testify to them and submit them as evidence. When possible, multiple stewards should take notes of the same meeting or interview. Having more than one set of notes that consistently document the same facts is more compelling in arbitration than a singular account.

As a steward, how you approach investigating, writing, and documenting grievances is central to our success in representing our members. Regardless of whether the grievance goes to arbitration, these best practices will increase the odds that you can resolve a grievance without arbitration. Well-documented and strategically written grievances are more substantial grievances.

If you are attending the USW Constitutional Convention, stop by the Education booth and let us know your thoughts about this newsletter and any suggestions you may have.



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The ABCs of a Union Steward

Stewards are the “face” of the union for members and non-members.

One minute you might be answering questions about a motion passed at a recent membership meeting; the next questions about the collective bargaining agreement (CBA); the next, “where’s the Local’s picnic?” You are the leader in your workplace, for better and worse.

At some point, a member will come to you with a concern that you don’t believe is actually a grievance. Telling members this and explaining why to them can be difficult. Conflict can arise if they aren’t satisfied with your explanation of why you will not pursue the issue through the grievance procedure. These situations aren’t uncommon; how you handle them will influence how members see you as a leader. You must always be seen to have integrity and to treat each member equitably.

This brings up an important question: what do members expect from stewards? Sure, they want someone who will have their back and not treat them like mushrooms...keep them in the dark and feed them bulls–t, but there’s more to your role. An excellent way to think about this is the ABCs of the role of a Union steward: accountability, benefits, and caring.

Accountability

Be accountable. Stewards are leaders, and they must be accountable to their coworkers. Practically, this means following up on the questions and concerns that people bring to you. Regular, helpful communication can help members feel like their input matters and that they have ownership over the union. This is a matter of principle, too: stewards are accountable to the values and mission of the USW and the labor movement. Words like *solidarity* and *unity* aren’t just slogans; they are core principles that inform everything we do.

Leadership isn’t easy. Informing a coworker that their issue isn’t a grievance and working alongside that person isn’t a fun position to be in. Be honest and stick to your reasons.

Benefits of Membership

Explain the benefits of membership. Get to know the people you work with; what do they care about? Explain how the union

helps them address the issues that are important to them.

There’s a practical implication for this: unless you take the time to teach your CBA to members, many of them might not be aware of the hard work that went into winning the parts that make a difference in their day-to-day lives on the job. Some local unions develop summaries that describe the key parts of a CBA: health care, OT, holidays and vacation, safety, boot and shoe allowance, etc. Every time an experienced member explains to an inexperienced one that their employer didn’t just give them their wages and benefits – their union bargained for them – it builds the Local.

Caring and Community

Do members feel like their union cares about them? This goes beyond its role as the exclusive bargaining agent. Think of it this way: do you know the names of your coworkers’ family members? When a coworker has an extended illness or experiences the loss of someone close to them, do you organize a meal train or send a condolence card? These simple acts help community members make it through hard times, and our unions are communities.

You have to Unionize the Union members

Young children must learn the alphabet because basic knowledge of it is fundamental to reading and writing. The stewards’ ABCs are no different. Research tells us that members who think their union is accountable, provides good benefits, and cares about them are more likely to feel good about it and to be activists themselves. Members who feel good about their union are more likely to say “yes” when you ask them to serve on a committee or wear a sticker or button during bargaining.

Good leaders can make a huge difference in a person’s life. Think about your own experiences: did a parent, teacher, coach, or Local union leader inspire you to do something you didn’t think you could do? Did you ever go through a rough patch, and someone was there to help you out? Stewards can fill that role in our workplaces.

**TEACHING
TUESDAYS**

All classes are held at **11 AM (EST)** and **8 PM (EST)**

- ▶ July 5, **Representing Members in Investigatory Interviews** ([11AM](#)) ([8 PM](#))
- ▶ July 12, **Developing Leaders in Your Local Union** ([11AM](#)) ([8PM](#))
- ▶ July 19, **Officer Basics** ([11 AM](#)) ([8 PM](#))
- ▶ August 2: **Just Cause** ([11 AM](#)) ([8 PM](#))
- ▶ August 9: **Contract Language Basics** ([11 AM](#)) ([8 PM](#))
- ▶ August 16: **Care Infrastructure** ([11 AM](#)) ([8 PM](#))



Scan the QR code to get more information
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