



STEWARDS CORNER

Monthly Newsletter for Union Stewards

Dealing with Absenteeism

Attendance is a common issue that Stewards deal within our workplaces. On the one hand, employers expect employees to show up to work regularly; on the other hand, stewards are responsible for representing members and enforcing the collective bargaining agreement (CBA). So, how do you handle these problems?

What Do You Need to Know?

As always, start with your CBA. Does it mention absenteeism? Does it contain a “point” system or a “no-fault” attendance program?

In addition, check if your employer has issued a rule or policy regarding attendance. Usually, the employer will cite any applicable documents when they discipline a worker. Still, it's good for you to have copies for your investigation so you can field questions about them from members.

After getting this preliminary material, your next step is to interview the worker who has been disciplined. Depending on the situation, there are several questions you can ask, but here are some key points to investigate:

- ▶ What is the procedure for occasions you are going to be absent?
- ▶ Why were you absent?
- ▶ How many times were you absent?
- ▶ What kind of notice did you give your boss?

Life can get messy and often for reasons beyond a person's control. Suppose a worker with 18 years of seniority and a good record missed five workdays, so the employer suspends her for three days because of excessive absenteeism. What if a serious health problem like diabetes caused those absences? Or maybe the worker is a grandparent who recently gained custody of their grandson? In these instances, they might count as a qualifying condition under FMLA, and absences related to them would be protected.

There's a human element to these discussions. A person going through a divorce or caring for a relative with a substance abuse problem will understandably be under a lot of stress and feel vulnerable. Show some compassion and that you care. It will make a difference.

How Has Attendance Been Dealt with Before?

Another part of your investigation should focus on previous discipline for attendance. Use an information request to review

all discipline for attendance issues in the past five years. Here are some questions you'll want to consider when you're evaluating this information:

- ▶ Does the employer have a clear attendance policy? How have they made workers aware of it?
- ▶ Has the employer applied the policy fairly and consistently?
- ▶ How long were the absences for which workers were disciplined?
- ▶ How frequent were the absences?

Consistency and fairness are fundamental principles of just cause (check your CBA as it might require the employer to have a different burden of proof for discipline, i.e., “proper cause,” “cause,” or “good cause”).

Suppose the employer issues a three-day suspension to a worker for missing four days of work but previously gave a written warning to another member for similar conduct. In that case, the Union can argue that a three-day suspension is inconsistent and unfair.

“No-fault” attendance policies are a frequent source of problems as workers can quickly rack up occurrences and receive discipline. Unless this discipline is specifically excluded from your CBA's just cause protections, it is still subject to your grievance procedure.

Some other factors that can play a role in absenteeism grievances include:

- ▶ How and when the employee notified their supervisor about their absences?
- ▶ Did the employer counsel or warn the worker about the consequences of additional absences?

A thorough investigation that asks these questions might indicate potential areas for the Local Union to argue that the discipline is inappropriate. The presence of mitigating factors can also help: does the member have lengthy seniority and an otherwise good record? Have they recently experienced a significant life event (death of a family member, diagnosis of an illness, etc.)?

Contact your Local Union president or USW Staff Representative for specific questions about absenteeism and your CBA.



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An Injury to One is the Concern of All

Around 11 million workers identify as lesbian, gay, bisexual, transgender, or queer (LGBTQ). That is roughly 6% of a work-force of 165 million.

What we all have in common is that we are workers. We all have bosses. And we all want good, safe jobs. For our LGBTQ siblings it is no different.

June is **Pride Month** in honor of the 1969 [Stonewall Uprising](#), a watershed moment in the history of the struggle for LGBTQ rights. A generation before that, LGBTQ workers organized in the upsurge of industrial unions and the fight against fascism in the 1930s and 1940s. Gay members of the Marine Cooks and Stewards Union helped organize the 1934 West Coast waterfront strike. During World War II they provided vital services on ships carrying soldiers and supplies to war zones and suffered high casualty rates.

A Practical Approach to a Core Principle

At the 2014 USW International Convention, delegates [approved a resolution](#) that calls for “non-discrimination in both employment, legislation and in the workplace and support [for] legislative and collective bargaining initiatives that include sexual orientation and gender identity protections to guard workers from discrimination on the job.” This is in the spirit of our union’s founding principles to unite all workers and improve their lives through collective bargaining and legislation. So, what does this mean in practical terms? How does this affect a steward’s duties?

As the exclusive bargaining agent, the USW owes a **Duty of Fair Representation** to all workers covered by a collective bargaining agreement regardless of gender identity and sexual orientation, among other things. All stewards, grievors, and Local Union officers have this responsibility. If an LGBTQ worker tells you about a concern, listen to them, investigate the situation, and promptly follow up with the appropriate steps.

You Can Be an Ally

In this context, an “ally” is a heterosexual (“straight” or a gender-conforming/cis-gendered person) individual(s) who supports LGBTQ people and challenges homophobic and trans-phobic behavior. If you’re seen as an ally, an LGBTQ

worker might feel comfortable approaching you for help. It could be a run-of-the-mill question you’ve answered a dozen times, or it might be a sensitive issue that requires confidentiality and discretion on your part. The bottom line is that if an LGBTQ worker tells you about a work-related concern, it’s important that you show you care and do your best to help them.

These are situations where we can make a difference.

Check Your Collective Bargaining Agreement

When representing LGBTQ workers, it’s important to start with your CBA. LGBTQ members have the same rights to all of the provisions that cover non-LGBTQ workers (for example, articles that determine seniority and overtime or require the employer to have just cause to discipline workers). Some contracts may also have specific language that protects LGBTQ workers.

Does your CBA have non-discrimination language? Check if it covers “sexual orientation” or “gender identity.” How does your CBA define “harassment”?

Your employer is responsible for providing a safe workplace free from harassment; our job is to see they fulfill that obligation. Suppose the employer allows an atmosphere that encourages homophobic jokes, lewd comments, or graffiti. It can be grounds for a grievance. (Check with your Local Union President or Staff Representative for specific questions about your CBA)

“Holding it” is Unacceptable.

LGBTQ workers sometimes experience difficulty accessing restrooms. Going to the toilet is a basic human need, and “holding it” is unhealthy and insults a person’s dignity. The Occupational Safety and Health Administration (OSHA) has issued guidance stating that “All employees, including transgender employees, should have access to restrooms that correspond to their gender identity.” If, for any reason, an LGBTQ worker does not have access to a bathroom at your workplace, notify your Local Union President immediately.

Here is a [list of resources](#) to learn more about this important issue.

TEACHING TUESDAYS

- June 7, **Legal Rights of Union Stewards** ([11 AM](#)) ([8 PM](#))
- June 14, **Internal Organizing Panel** ([11 AM](#)) ([8 PM](#))
- June 21, **LGBTQIA Panel** ([11 AM](#)) ([8 PM](#))
- 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](#))

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



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