

# Steward News...

a publication for CUPE Activists in Alberta

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## Answering Anti-Union Arguments

Stewards may face anti-union comments when dealing with new employees and sometimes colleagues who have been around awhile.

When you've got people in your workplace who have something against unions, yes, it's a real challenge.

But good news, there are ways to deal with it. Nothing short of divine intervention will turn some folks around. But you'll find that knowing how to respond to the biggest anti-union arguments can help make some negative workers into real members.

When confronted with the issue of union membership, the four biggest arguments you're likely to hear revolve around "union dues", "corruption", "I don't need anybody's help" and "I don't like to be told what to do".

**Let's look at them one by one:**

### "I DON'T LIKE PAYING UNION DUES"

Do a little math for the worker. Show how the union wage rate more than makes up for the cost of dues. Put a dollar figure to any health and pension benefits, paid days off and paid vacations...not to mention the value of job protections.

Make sure the worker knows the law requires the union, to represent everyone, members or not. Even if the worker objects to paying taxes, he doesn't turn away tax-supported firefighters or law enforcement offices when he's in trouble, or refuse to drive on public roadways. It's no different than with union "taxes" – that is, dues. Union dues are a good investment!



**Canadian Union of Public Employees – Alberta Region**

### "UNIONS ARE CORRUPT"

We're part of society and you can't escape society's ills. But the overwhelming majority of unions and union leaders are honest. Far more bankers and accountants and businessmen are convicted of fraud and rip-offs than are unionists.

Remember that there are more than one half million CUPE members in more than 2,200 locals serviced by over 600 staff in 66 offices across Canada including 6 offices in Alberta. Know that there are procedures in place – local bylaws, CUPE'S constitution, and legal procedures if and when dishonesty is discovered. Union's aren't corrupt, but sometimes people are. And, when they are, they're dealt with according to the law.

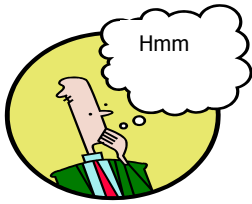
### "I CAN LOOK OUT FOR MYSELF"

Some members may think they can handle any problem that comes their way, but it's not that simple. Will a workplace procedure be changed because one worker fears being hurt? Will an employer deal with a supervisor who decides to make one worker's life miserable?

There are some problems that can be dealt with only by everybody standing together. Plus, doesn't every person have the responsibility to help those around him? An injury to one is an injury to all. Remember, we're stronger when we stand together.

### "DON'T TELL ME WHAT TO DO"

Unions are run democratically – a lot more than workplaces, for sure. Union members are encouraged to come to meetings and voice their concerns. They are urged to vote on officer elections, and run for office themselves if they don't like the way things are going. They are urged to vote on contract ratifications. Every union has a constitution that outlines the right of workers to be involved in their unions. If they don't like whatever rules the majority of union members set for their union, they have the legal right to try and change them just like governments change. Don't forget – urge members to attend meetings and vote!



# What if .....

## Answers to some of a new steward's most common questions

Internet users are very familiar with the term “FAQ”, which stands for Frequently Asked Questions about a service, a product, a way of handling a computer task. Union stewards – *especially new ones* – have a lot of Frequently Asked Questions as well, particularly when it comes to handling grievances. Those grievances usually start with the old familiar What if... This article offers ten classic What ifs. Maybe the answers can make life a little easier for you.

### **...a worker's rights have been violated but he or she does not want to file a grievance.**

Fear is a very real feeling in the workplace today and a steward needs to assure members that the union – their co-workers – will support them. Remember, “an injury to one is an injury to all” and we all have the responsibility to make sure the contract is enforced and workers’ rights are not violated. If filing a grievance is necessary, but a member is not willing to come forward, it could possibly be filed as a “policy grievance”. Letting violations pass without some kind of union action weakens the union and encourages the singling out of other fearful workers.



### **What if...**

#### **...in the grievance meeting the grievor reveals a fact that I didn't know about.**

Ask for a break and find out what it's about.



When you meet with the worker before going into the grievance meeting, always ask, “Is there anything else I should know?”

Good interviewing can help prevent this, it happens to every steward at some point.

### **...a worker is violating the contract or otherwise doing something that will get him or her in trouble.**

Consider talking with the worker privately, or ask a friend of the worker to discuss the issue with him or her. Your role is not to be a “police officer” but rather that of a union leader concerned that the worker will be disciplined and the union will be the weaker for it.



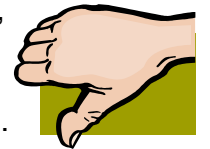
### **... I can't make a full investigation within the time limits to determine if a complaint is a grievance.**



File the grievance and continue your investigation. The union can always withdraw the grievance at any time if you find it shouldn't be pursued.

### **...a worker's complaint is not a valid grievance.**

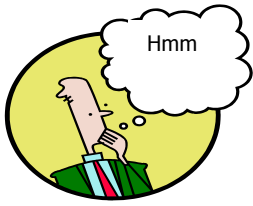
First, make sure it's not a grievance. Remember, valid grievances can include unfairness that are not contract violations. If it's really not valid, explain this honestly to the grievor, but it can be better to fight it anyway. It's often better to have the boss say “no” than the union. There are some grievances – complaints about other workers; grievances that, if won, would harm the general membership; or particularly outrageous claims – that should not be fought. Telling people honestly when they are simply wrong is part of the steward's job.



### **...I goof up at the first step.**

You'll have another chance at the second step – and you'll have time to discuss the case with other stewards or union staff to help you do a better job.





# What if .....

## Answers to some of a new steward's most common questions

**...management interviews and disciplines a worker without the presence of a steward.**

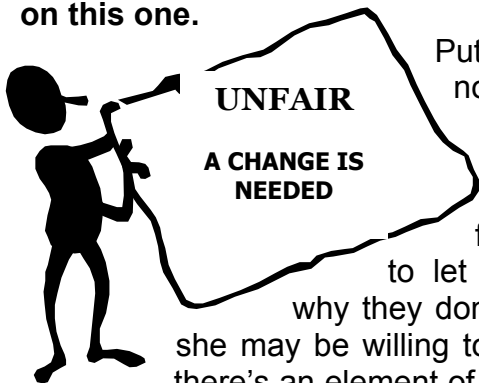
You must check your collective agreement language to ensure members have the right to request stewards for discipline meetings. If the collective agreement has language then the employer is also responsible

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to offer to have a steward present. Let members know that they can request a steward. In a 1992 Alberta Labour Relations Board case

between Calco Club and Calgary Co-Operative Association Ltd. the Board stated "... it is an unfair labour practice to deny an employee the assistance of a union representative at an interview or meeting that the employee reasonably believes may result in discipline or that involves an issue affecting many employees."

**...there is a provision in the contract about scheduling that you are getting a lot of complaints about. You investigate, but there doesn't seem to be a violation of the agreement: management seems to be right on this one.**



Put the boss on notice that this is a problem and figure out some ways for the members to let the boss know why they don't like it. He or she may be willing to work it out. If

there's an element of unfair treatment involved, you may be able to pursue the problem under the contract's union recognition clause. Would a direct collective action of your co-workers settle the grievance?

**...a worker is told to operate a little used piece of equipment that has a frayed cord and no safety guards. Can the worker be disciplined for refusing to do the work because it's unsafe? Could you be disciplined for advising the worker to refuse?**


Under Section 2 of the Alberta Occupational Health & Safety Act, an employee has the right to refuse to carry out work if they believe, on reasonable and probable grounds, that there is imminent danger to themselves or others. The employee must report the refusal to the employer immediately. The employer must investigate and take action, to eliminate the imminent danger. No one is to be disciplined because of their compliance with this section of the Code.



**...someone who hasn't paid his initiation asks me to handle his or her grievance.**

Under law, the union must represent everyone in the bargaining unit fairly, without discrimination or hostility. This is known as the "Duty of Fair Representation" under the Alberta Labour Relations Code. It gives you an opportunity to show the non-member rank and file unionism in action – and he or she may consider becoming a member. All members pay dues, however they should sign a union card as well.





**If you have a grievance that you are not sure how to handle, your Union Executive or National Representative are only a call away.**

# The Steward

More often than not, we forget that our stewards are dues paying union members like ourselves who volunteer their time to help us out when we have problems with management. When called upon they must re-organize their work schedule, and sometimes give up their own time to ensure that our rights under the collective agreement are upheld. Stewards undergo training to help our members and often spend years understanding and interpreting the collective agreement in order to prepare for this volunteer position. The following passage comes from the Steward orientation handbook. So if you have some of these qualities, think about becoming a steward. Your union needs you!

The definition of steward for our purposes is the person who manages the affairs of union members in the work place, especially matters concerning working conditions, job security, and fair treatment.

## Roles of a Steward

The steward is the cornerstone of the union and should be a role model in the workplace. In the eyes of the members, the steward is the union. The success or failure of implementing and enforcing the terms of the collective agreement, and building the union rests with the steward. Without stewards, even the best contract can be neutralized and made ineffective by the employer.

**The steward is there to provide advice.** A good steward means a good union to the members. When a steward is helpful and settles their grievances, the members feel that the union is working for them.

**The steward is the link between the membership and the leadership of the local.** The steward should pass on important information about union activities and encourage membership involvement in union activities. She/he should also pass on complaints about the union to the local's executive.

**The steward is a problem solver.** Solving could mean talking informally to a supervisor, submitting a written grievance, or referring the problem to another committee of the union. You are on the front line of potential and actual conflict.

**A steward is there to investigate complaints.** Listen carefully, take notes and ask questions. Clarify the problem and ask what solution would be desired. There are two points of view to everything. Management has a point of view and the union has a point of view. Separate the facts from opinion. All the facts need to be investigated. Keep accurate notes on all investigations including those where no grievance is processed.

**Rights of a Steward** A steward can expect some rights. These are:

- Right to be recognized by the employer as a representative of the union.
- Right to take time off from regular duties to investigate, process and settle grievances.
- Right to expect protection by the union in case of attacks from the employer because of the role as steward.
- Right to educational courses to assist you in carrying out your duties effectively.

## Expectations of a Steward

Stewards are expected to abide by the CUPE Constitution, local by-laws, comply with the terms of the collective agreement, provincial labor laws and Human Rights legislation. These documents impose mandatory responsibilities upon stewards and bind them to a certain course of action.

Stewards are there to promote membership participation, urge attendance at membership meetings, and combat anti-union activities and propaganda. The union executive looks to the stewards to get workers support for its various activities.

Consult with others before taking a position. Do not make promises to a member about the results they can expect. Past practice and previous grievances may affect the outcome of a settlement.

Remember to listen, be patient, and keep your word. Be sincere and honest in your endeavors.

Do your best at all times, and know that you cannot win them all.

From CUPE Local 2950

cope #491

