

TAMI

E D U C A T O R

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Defending Against Takeaways



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As the economy continues to dive, employers are becoming even more brazen — if that is possible — and are moving in to take away conditions that union members have enjoyed for years. These moves can, and should, be fought, and stewards can play a big role.

Here's what's happening in the Maryland area. Some of these takeaways may be familiar in your area as well:

1. A contractor *unilaterally* eliminated a 15-minute paid morning break on a construction site, claiming that the workers had stretched the time by leaving their work areas — as the contractor had required. The contractor added the 15 minutes to the lunch break and laid off all workers who — to register their opposition — took the morning break anyway. The break has been a cherished past practice in all of the local's contracts for generations.

2. Managers at a major international union *unilaterally* moved to prohibit workers from eating at their desks, either for a break or during their lunch hours. (The managers, of course, eat at their desks.)

3. An employer *unilaterally* decided that any worker who came in late, even by a few minutes, would be penalized by having to wait for the rest of the hour — unpaid — before clocking in.

4. At a federal facility, the workers in a power plant had a normal Monday-Friday work week so that Saturday was an overtime day. The federal agency *unilaterally* changed the work week for some of the workers to a Tuesday-Saturday schedule, eliminating the overtime.

5. In one of the construction trades, where workers often have more than one employer in a year, one contractor *unilaterally* demanded that all new hires sign non-compete agreements.

6. After the union negotiated a 12-hour schedule at a steel plant, management in one mill *unilaterally* revoked the

schedule and substituted a series of seven-days shifts, insisting that the contract allowed both the change in shifts and the avoidance of any overtime payments.

Do you see a theme here? The key word in each of these episodes is, of course, *unilateral*: some employers think they can simply make changes both large and small in the workplace without negotiating with the union.

Drawing a line

How can a union draw a line in the sand to protect existing conditions? In some of these Maryland episodes, the steward filed a grievance on the issue to try to restore the old conditions, then prepared to wait patiently for an arbitrator's award. One problem with that approach is that, in many cases, the unilateral change made by the employer does not cause a financial loss to the workers, so a simple grievance is really no deterrent — the unilateral move becomes a crime without a penalty.

In every case, however, the union overlooked the chance to demand negotiations over the change, which could shift the whole issue and possibly create some helpful legal leverage. A good steward understands the importance of the Recognition clause of the union contract, which gives the union the right to bargain over wages, hours and working conditions. "Working conditions" is a very broad term, involving anything in, around, or related to the workplace but clearly — *clearly!!* — the clause gives the union the right to demand bargaining over *any* change in working conditions.

More important, these moves are really a test for the union as a whole. Can it be steamrolled on a small issue? If so, the employer will keep pushing for changes and the issues will grow in

importance. Often a boss will begin preparation for regular contract negotiations by changing relatively insignificant working conditions as a kind of test.

An immediate counter

Any change in working conditions, therefore, should be immediately countered with a written demand from the union to bargain over the issue, combined with a demand that the change not be implemented until negotiations are completed.

The union can demand bargaining over any change in working conditions.

The union may file a grievance as well, but asking for negotiations provides the possibility, at least in the private sector, of an Unfair Labor Practice charge. A ULP can provide some leverage: it creates one

more front on which the boss has to fight.

A good steward will also look for leverage in the workplace to speed up a solution that could take months, or even years, through the normal procedures. In the case of the abrupt shift change in the steel mill, the maintenance workers began to look more carefully at safety and repair procedures. They began to take longer to clear each repair ticket. Within a month the manager begged for a truce, which included restoration of the 12-hour shifts.

Every situation is different, so the leverage opportunities vary as well. A steward should plan a strategy, especially if the unilateral change affects many workers. Creating a group grievance, or staging workplace demonstrations, can light a fire under the boss over the particular issue, but it also builds the union by involving all of the members. In the case of an individual discipline — like the worker being penalized for lateness — a good steward will explain to all members that the union is defending the contract, and the right to negotiate, not just protecting a tardy individual.

Just as the boss tests out the union by trying to push it around, so the union needs to let it be known that it will protect all conditions on the job.

—Bill Barry. The writer is director of labor studies at the Community College of Baltimore County and author of *Union Strategies for Hard Times: Helping Your Members and Building Your Union in the Great Recession*.

Speaking for the Anti-Union Worker

Nobody said being a steward would be non-stop fun. Challenging and rewarding? Yes. Satisfying and empowering? To be sure. But fun? Only on the good days — and such days usually are not those that require you to defend an anti-union worker in a grievance situation.

If you're thinking that you wouldn't stand up for such a person at all, think again. As a result of a 1967 Supreme Court interpretation of the U.S. National Labor Relations Act, the union has an obligation to equally and in good faith represent everyone covered by the collective bargaining agreement. This includes members and non-members alike (in open shop situations or "right-to-work" states), regardless of whether they like or dislike the union.

Almost without exception, it's the rule across Canada as well, and in the public sector as well as private.

Your Duty Is Clear

Called the duty of fair representation, it means that when a worker brings a possible grievance to you, you must make a thorough investigation. If your investigation determines the complaint is indeed a grievance, you must follow all the procedures the union has established in handling grievances. If your investigation determines it is not a grievance, your reason for not filing one must be based on the merits of the case — not just because the worker is an anti-union troublemaker.

"I may have to handle his grievance," said one steward in a memorable one-liner, "but it doesn't mean I have to give service with a smile."

No, you don't. But you might make this encounter with the anti-union worker an opportunity to change his or her mind or, at the very least, defuse the impact of his or her anti-unionism on the rest of the people in the workplace.

Workers become anti-union for many reasons — a "bad" experience with your union or another union, dislike of a union personality, warped images fueled by the media, or misconceptions about the real purpose of a union.

Whether the reason is legitimate or crazy, you have the opportunity to give that worker a different, positive experience with the union. Since the worker is in trouble and feels vulnerable, he or she might be more receptive to your message.

So swallow your distaste and try the following:

1 Be straightforward and avoid sarcasm in your dealings with the worker. Don't give him any "rope" to hang a duty of fair representation violation on you for treating him differently.

2 Explain to the worker the steps you are taking to handle the case. Make it clear you are handling it in the same competent way you would handle any other bargaining unit member's case. Keep the worker informed throughout the process.

3 Involve the worker in the process to reinforce the important reality that the union is everyone working cooperatively together to resolve issues and improve conditions. Ask the worker to obtain information for you and to be with you when you talk to other workers about the case.

4 Address the worker's anti-unionism in constructive ways. Probe it and challenge it. Show that being "against the union" is really about being against co-workers. For example:

- "Tell me, why are you so against the union? (Maybe no one has ever asked.)
- "The union is your co-workers — what do you have against your co-workers?"
- "So you had a bad experience once, does that mean all unions are bad?"

- "I've had good experiences and so have Dotty Johnson and Juan Hernandez (other co-workers). We've had good experiences because we have participated."
- "If you think that unions are undemocratic, why are members involved — even trying to engage anti-union ones — in resolving issues?"

5 Expect complaints from loyal union members. Explain to them that union members should not discriminate on any basis — race, gender, sexual orientation, ethnic background, religion or union loyalty.

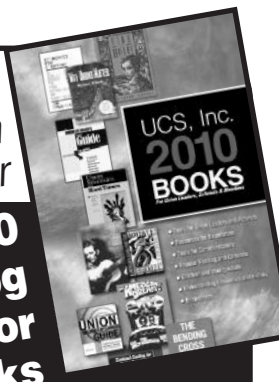
6 If the union wins the grievance, make it a very public victory. Your actions may not make an instant convert for the union. However, confronted with a positive view of the union, this worker may be less vocal in his or her criticisms.

At least now you have an experience with that worker to build upon, and you have sent a powerful message to both members and management that the union represents everyone under its agreement.

— Pat Thomas. The writer is on the staff of the Service Employees International Union.

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Advice to the New Steward

No matter what you've ever done in life, there was a first time for it. Sometimes it came easy — like eating your first ice cream cone. Other times it wasn't so easy — like, perhaps, surviving your first few days as a union steward.

A steward's initial days are critically important. You have to demonstrate to the membership that you can get the job done and you have to make your co-workers comfortable coming to you to resolve work-related issues. At the same time, your supervisor and other management types are watching you and probably testing you. You're under close study by everyone.

The steward's job is rarely easy, but those first few days don't have to be as bad as they otherwise might. Here are a few pointers and guidelines to help new stewards make it off the beachhead.

Expect to be tested. Don't get angry or frustrated.

Establish your position

Don't keep it a secret that you're the new steward. Don't be boastful or smug about it, but let your co-workers know, and make it clear you're there to help and expect them to come to you when problems come up. Give them your contact information — your phone number and e-mail address — so they can reach you. You don't want your members bypassing you by going directly to management, to another steward or to a higher union officer. If it's something you can't handle, you can always seek advice from others in the leadership.

While some contracts call for the employee to speak with his or her immediate supervisor to solve problems informally, workers should, whenever possible, be encouraged to bring along their steward. Often, when members go into meetings with their supervisors, they are unaware of their rights and the stipulations of the contract. If they're not careful

they can agree to things that hurt themselves and their co-workers.

Don't assume that the membership will automatically respect your abilities. Respect must be earned by showing that you will apply your skills and knowledge of the contract to represent all the members to the best of your ability.

Management's test

Management will often test new stewards to see how well they represent their co-workers. That test can come in a variety of guises. It may be in the form of denying you reasonable time to carry out your duties, or refusing to give you an extension of a time limit on a first-step grievance. Your supervisor may try in some way to interfere with your investigation of a problem by denying access to records. Or the supervisor may simply say no at your grievance meeting, even though your member's complaint is a clear case of injustice and a breach of the agreement.

Expect to be tested. Don't get angry or frustrated. Supervisors are often trained to incite a steward so that they will blow the grievance meeting — and lose the case. Don't lose your cool.

Boost the union

When new workers are hired in they are often given an expensive "orientation" from management that doesn't mention a single word about the history or the role of the union. Not realizing the long struggle that went into winning the wages, benefits and conditions that currently exist, many of these new workers walk away believing that all the good stuff comes from the goodness of the employer's heart.

Get to those new workers early. Even if they are on probation, a friendly piece of advice and support and a little history of the workplace — and the role of the union — will be long remembered and appreciated.

Represent the rank-and-file

Always treat the members with respect and dignity. Work with them. This approach is a sign of empowerment and the strength of the union as a group. Remember to say "we," not "I." The word "they" is always reserved for the employer, not the local union or the international. If you truly believe that the union is the collective force of the membership, not simply a servicing center for dues-payers, then these terms should be second nature.

Always tell the truth. Sometimes you will have to say no to a demand that you "do something," and then try to convince the member that you are right. Be able to explain the reason for your decision and have some alternative strategy for the member if the situation merits it.

Avoid playing favorites

Keep favoritism out of the grievance procedure. Don't let your personal feeling about a member cloud the way you represent him or her.

When one group of members is pitted against another, everyone loses. Fair representation is a basic principle of unionism because:

1. It is right, the law requires it, and the members are right to expect it.
2. It works to the benefit of all.
3. When it is missing, or someone thinks that it is missing, there are likely to be legal difficulties for the union and its officers. Time and money spent on legal defense would be better spent in building the union.

Build solidarity

The steward can do a lot to build unity. In everything you do, you are setting an example to the rank-and-file that they have power and that power is the union. Your actions every day build the union.

— Robert Wechsler. The writer is Education and Research Director of the Transport Workers Union of America, AFL-CIO.

Have a Laugh!

There's nothing like humor to lighten your load, and, often, to make a point. Here are a few jokes and stories that stewards may find especially appropriate. Enjoy!

Copy That

A CEO was scheduled to give the keynote address at an important convention so he directed one of his top employees, Smith, to write him a punchy, 20-minute speech.

When the CEO returned from the big event, he was furious. "What's the idea of writing me an hour-long speech?" he demanded. "Half the audience walked out before I was finished."

Smith was baffled. "I wrote you a 20-minute speech," he replied. "And I gave you the two extra copies you asked for."

— source unknown

A Contribution or a Major Commitment

Being a steward can be a full-time job and union members who hold this position often must balance the demands of the position with the needs of their personal lives. See if you can spot the steward in this joke:

A chicken and a pig were taking a walk downtown when they came upon their union's headquarters. On the front door was posted a leaflet that said, "Ham and Egg Breakfast Sunday Morning — All Proceeds Go to Local Charity."

"Hey," said the chicken, "we're good union members. We should make a contribution to that breakfast."

"Easy for you to say," said the pig. "For you it's a contribution. For me it's a major commitment!"

— offered by Saul Schneiderman

Any Way they Can

Back in the 1930s Woody Guthrie, the legendary folksinger and rabblrouser, was scheduled to play during a union organizing drive in his home state of Oklahoma. A few days before, organizers passed out leaflets at the plant gate announcing the upcoming rally at the local union hall.

As Woody was about to sing, somebody in the back of the hall stands up and yells, "Hey buddy, I'll tell you what I'm going to do with this leaflet. I'm going to use it for toilet paper." A couple of the union guys went to grab him but Woody says, "That's ok, fellas, leave him be. Some people need to get this information any way they can."

— Russ Scheidler in *Talkin' Union Magazine*

Wrong Jurisdiction

A penguin walks into a bar, tells the stunned bartender he's working at the construction site across the road, and orders a sandwich and a beer. Weeks go by and the penguin becomes a regular lunchtime fixture.

One day a circus comes to town. The ringmaster visits the bar and soon learns of the talking penguin. Amazed but skeptical, the ringmaster vows to recruit the penguin for a circus act.

Right on schedule, in walks the penguin and orders his beer and tuna sandwich. The ringmaster strolls over.

"Hello there," he says. "I run the circus in the park and I'm looking for new talent. Can I offer you a job?"

"That big tent in the park?" asks the penguin.

"That's the one," replies the ringmaster.

"The big round tent with the pole sticking out at the top and the flaps and ropes?"

"Yes, yes, my feathered friend."

"Are you crazy?" scoffs the penguin. "I do drywall!"

— source unknown



The Real Joke

"I make millions laugh but the real joke is my salary."

— language on a striking Hollywood animator's picket sign, 1937

Grrrr!

Q. What do you get when you cross a worker who crosses a picket line with a dog that can't be trained?

A: A scab that won't heel.

— Anonymous

Management Diversity Training

A group of managers recently participated in an intensive diversity training program. They can now say "Shut up and get back to work!" in three different languages.

— Julie McCall, *Labor Heritage Foundation*

Spelling It Out

Did you know that BOSS spelled backwards is Double S O B ?

— offered by Mickey Slain

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OFFICE OF THE INTERNATIONAL PRESIDENT

Dear Stewards,

As we bid farewell to 2009, one of the worst economic years in our lifetimes, let us resolve to make 2010 the year we lay the foundation to reshape the North American economy to provide middle-class jobs, healthcare for all in the United States and a better future for our children.

As this edition of the *IAM Educator* was being prepared, the U.S. Congress was in the middle of the fight to pass health care reform. Whatever the outcome, the next step that both the U.S. and Canadian governments must take is to concentrate all their energies on enacting an aggressive economic stimulus plan that creates JOBS Now!

With unemployment reaching historic levels and financial markets still keeping a chokehold on credit, we can no longer count on the private sector to create jobs. When the private sector falters, our leaders in government must act to create jobs and break the downward spiral of unemployment. President Roosevelt did it during the Great Depression with programs like the Works Progress Administration that cut the unemployment rate in half. And if we don't act now, the economies of North America could be stuck in neutral for years to come.

So let's resolve to make JOBS Now! our campaign for 2010. We must demand that the governments in the United States and Canada enact stimulus programs that invest in infrastructure projects to rebuild our transportation systems, schools and communities; provide more skills training and keep manufacturing the heart of our economies.

You can do your part by getting your fellow members to put pressure on their legislators to take action to create JOBS Now! Too many of our Brothers and Sisters have lost their jobs. We must take action to keep our remaining members employed and get our laid-off members back to work.

Thank you for helping our union get through 2009 and let's work together to make 2010 the year we make an economy that works for everyone.

In Solidarity,

R. Thomas Buffenbarger

R. Thomas Buffenbarger
International President

