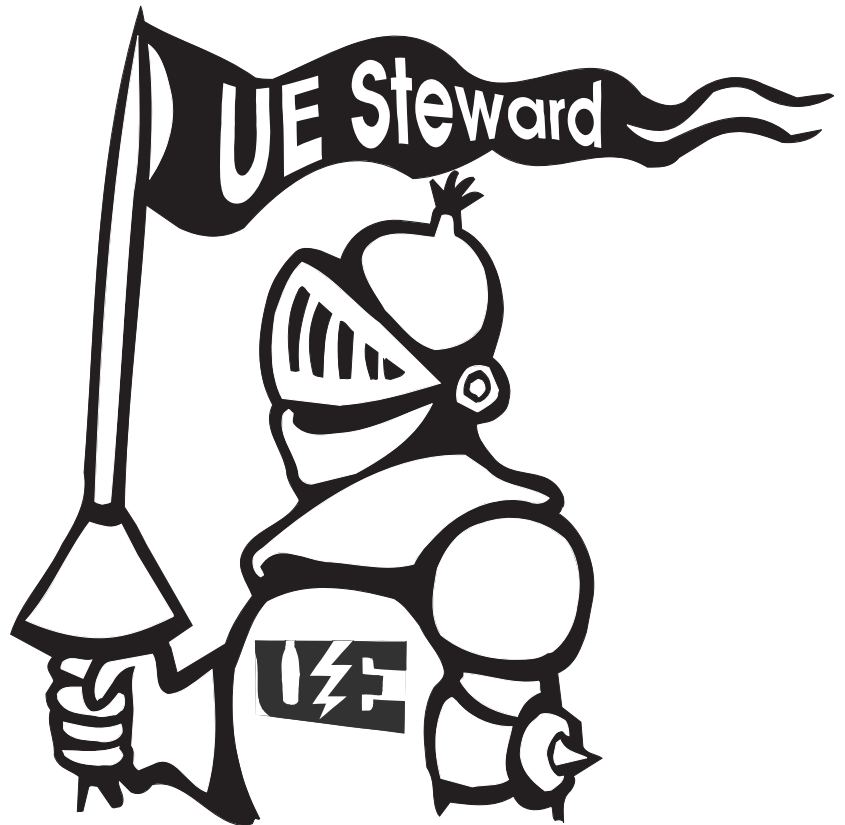


STEWARDS' RIGHTS

UE Stewards have special rights under the law and the union contract. They provide real protection for members and stewards ...but you got to know them before you can use them!



As a UE Steward, you're elected to protect the rights of UE members and defend the contract. Our style is militant and aggressive. It's the best defense against bosses who try to undermine hard-won gains. To be effective, it's important to know the tools and protections we have as stewards.

Most of us know our tools: the contract, the grievance procedure, the Labor Board, and, most important, shop floor unity and organization. Less well-known, perhaps, are the protections we have under the law, the National Labor Relations Act (NLRA). The NLRA applies to most private-sector workers. Most public sector workers are protected by similar state or federal laws. (Check with your UE staff person about applicable laws.)

The Equality Rule

Probably the most important protection is called "The Equality Rule." This rule acknowledges that your job is likely to involve confrontations with management—confrontations that could lead to discipline under the normal rules of employer-employee relations.

The "Equality Rule" makes you a "legal equal" to the boss. But, it's in effect *only* when you are doing your job as a *steward*, not when you're acting as an *individual* employee. You're acting officially when you investigate and argue grievances, request information and otherwise defend UE members.

You can openly disagree and argue vigorously

with management during grievance meetings; question management's authority; and, demand certain actions of management, all without risking disciplinary action.

There are some limits to what you can do, though. Threats of violence and actual violence are prohibited, as are extreme profanity, name calling, and personal attacks. If your contract prohibits specific actions, those are not protected either. To prevent supervisors from claiming you "exceeded the limit," it's wise to have another steward or UE member with you during meetings with management.

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No Reprisals

The boss is not allowed to use discipline, either real or threatened, or any other form of intimidation to discourage you from doing your job as steward. For example, you can't be denied overtime opportunities, promotions, job transfers, bumping rights, or any other benefit you are entitled to as punishment for doing an aggressive job. Nor can management assign you to the most undesirable jobs or more closely supervise you than other workers.

Equal Standards

Some supervisors try to hold stewards to higher standards than others. They'll say, "You, of all people, should know the rules," when some rule has been broken. This is illegal, too. You're not a "super-worker" and you can't be singled out for unusual discipline to "set an example" or because you should "know better." The only exception: not carrying out contractual responsibilities required of elected union officials.

What to Do

If the boss breaks these rules, the union should most likely file both a grievance under the contract as well as an Unfair Labor Practice (ULP) charge with the Labor Board (NLRB). The time limit for filing a ULP charge is within six months of the violation. Contact your UE staff member before filing an Unfair Labor Practice charge.

Workplace Organization

As in the case with most other grievances, a workplace strategy for solving the problem is often much more effective than dealing with the NLRB — especially because the Labor Board is often frustratingly slow to respond. But, if you feel that a ULP charge should be filed, talk with your UE staff member and local officers about the best way to proceed.

Stewards' Rights

Don't let the boss con you! As a UE Steward, you've been elected to represent your members — a job that most bosses would like to keep you from doing. Here's a brief list of some of your rights and obligations.

1. You have the RIGHT to grieve unfair treatment — whether you saw it happen or someone calls it to your attention. Bosses may accuse you of "soliciting grievances," but don't be fooled! It's your duty to encourage workers to grieve about legitimate issues — or file them yourself.
2. You have the RIGHT to carry out investigations of grievances, including interviews of grievants and witnesses. Most UE contracts provide for investigation on "work time." For those that don't, there is often a clear past practice that allows this. But, if not, every grievance must be investigated as thoroughly as necessary, even if it's on your own time.
3. You have the RIGHT to request the information you need to process a grievance from management. You should put these requests in writing. Management is obligated to respond.
4. You have the RIGHT to be present in any meeting between the boss and an employee if it might lead to discipline. In those meetings, you have the RIGHT to take notes. You can also stop the boss from harassing or abusing the worker, and ask the supervisor to clarify any questions the member may not understand.
5. You have the RIGHT to be present every time a grievance is being "adjusted" or settled. Even if a worker has taken up the grievance on their own, the boss can't bypass the union when responding.
6. You have the RIGHT to stand toe-to-toe with your boss when you're conducting union business. You can get loud, angry, forceful, and speak your mind during grievance meetings. This is the "Equality Principle" that says you and the boss are equals in grievance discussions.
7. You have the RIGHT to organize and encourage your fellow workers to take action in support of an issue or grievance, so long as those conversations don't take place on work time or interfere with you and your coworkers doing your job. The boss can't stop you from getting people to wear stickers, sign petitions, carry signs, or take similar actions on break or lunch time. (Of course, stickers, buttons and caps can be worn all the time, unless there's a special reason for a dress code.)

All of these rights are legally guaranteed, but they depend on how well you use them. When you do, your members will find their rights are protected, too.

The Shop Steward System

These are your rights, and they work best when there's a whole network of stewards using them. In UE, this is the Shop Steward System. Ideally, the steward system should include a steward in every department on every shift. These stewards report to a Chief Steward, or sometimes a Building or Area Steward. This system is what makes the union effective—right in the work area.

Stewards are the union's eyes and ears in every part of the shop. There's no substitute for an effective steward system, no matter how well-intentioned an outside union staff person might be, and no matter how good the union's

legal department is. In many cases, the steward is the primary connection members have with the union.

Great stewards don't just file a grievance when someone complains. Stewards are communicators, to both other union leaders and rank and file members. Stewards are there to enforce the contract, even if something doesn't rise to the level of filing a formal grievance. Stewards must keep the workers in their area united and be on the lookout for the boss's attempt to play favorites or create division. This is why we say UE stewards are the first line of defense.