

NSG&U

Steward's Handbook



NSGEU Statement of Respect

Harassment or discrimination of any kind will not be tolerated at NSGEU functions.

Whenever NSGEU members gather, we welcome all peoples of the world. We will not accept any unwelcoming words, actions, or behaviors against our union members.

We accord respect to all persons, regardless of age, political affiliation, religion, including people of colour, women, men, First Nations, Metis and Inuit peoples, members of ethno-racial groups, people with disabilities, gays, lesbians, bisexual, transgender people, gender diverse persons, and all persons whose first language is not English.

In our diversity we will build solidarity as union members.

We recognize the dignity and worth of all individuals. To protect their rights we confront bias, prejudice, and discrimination.

If you believe you are being harassed or discriminated against, contact

Lori Smith, Education & Organizing Officer 902-456-6531

or any member of the current NSGEU Executive for immediate assistance.

Land Acknowledgement

We would like to acknowledge that we are in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People. This territory is covered by the "Treaties of Peace and Friendship" which Mi'kmaq and Wolastoqiyik (Maliseet) People first signed with the British Crown in 1725. The treaties did not deal with surrender of lands and resources but in fact recognized Mi'kmaq and Wolastoqiyik (Maliseet) title and established the rules for what was to be an ongoing relationship between nations.

If you have input on the content of these materials, please contact the NSGEU Education department at 902-424-4063, toll free 877-556-7438, or email:

NSGEUeducation@nsgeu.ca.

Welcome

Congratulations and thank-you for accepting the challenge of becoming a local steward.

Your members have elected you because they have confidence in your ability to represent them and the local. The thought of being a new local steward can be exciting and overwhelming at times. Please be assured that you are not expected to perform miracles and it is not assumed that you know everything.

This handbook is designed to assist you in getting yourself organized so that you can focus your energies on the tasks that lie ahead.

Every person who becomes a local steward brings their own set of skills and experiences to the role. Some of the information in this kit might be familiar but some might not. We've tried to include enough information so that you can develop a comfort level fairly quickly.

Always remember that you have other local executive members, stewards, NSGEU staff, and your Board of Directors that you can call on when issues arise.

In Solidarity,



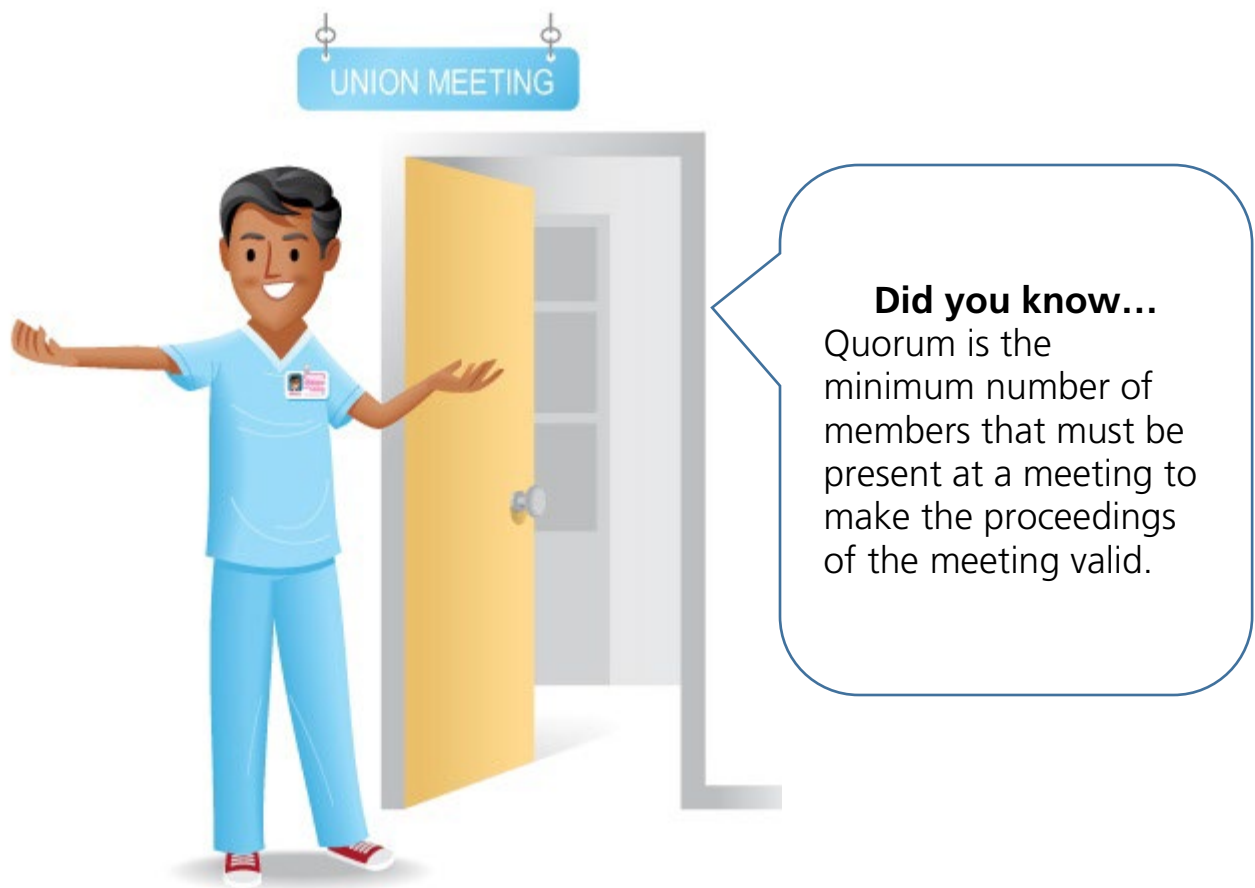
Sandra Mullen
President, NSGEU



This handbook is your
resource
Read the parts you need for
quick answers
Read it for ideas
Read it for inspiration

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Becoming a Steward

We hope this handbook isn't intimidating, it isn't meant to be. As a steward you aren't expected to know everything. In fact, there are parts of this tool kit you may never need.

Others, you'll use a lot!

Your job in a nutshell

When you take on the role of steward, you are not expected to perform miracles. NSGEU expects that you will be a union representative for the people you know and work with.

For your co-workers, you are their link to the union. Your job is to make sure their needs and interests are expressed to the leadership of your local; and to make sure that decisions and discussions at the local level are communicated back to them.

Put that way, it is not so intimidating.

The steward is the face and leader of the union where it really matters, in the workplace. As a steward, you are a representative of NSGEU in the workplace. You have rights under your collective agreement and under labour law.

Your members have elected you because they have confidence in your ability to represent them. This includes representing their views at meetings; representing their interests in the workplace; and representing them through grievances if necessary.

This booklet will help

Every person who takes on the role of steward brings their own set of skills and experiences to the role. Some of the information in here you already know – but someone else doesn't. Some cover situations that may never arise in your work area.

It's all here because it's all material you may need. We've tried to include enough information so you can feel on top of just about any situation that may arise. Remember, you have other stewards in your local, local officers, and union staff to call on when something comes up that is beyond the not covered of this handbook.

Introduction

The Steward: an honorable history

As steward, you have the oldest title in the labour movement. The first unions were small, informal groups of workers with little influence and few resources. They relied on each other and their rank-and-file leaders, called stewards.

The steward was the face and leader of the union where it really matters...in the workplace. Your forebears risked life, limb, and livelihood to get a fair price for their labour and safer working conditions.

This is equally true today. Your collective agreement, and much of our social and workplace legislation, is a testament to thousands of stewards who came before us. It's a solid foundation we can all build on.

Members need someone they can turn to daily as the representative of the union. That's you! Your position gives you a vital opportunity to improve working conditions. Unions with keen, energetic stewards are leaders in the labour movement and set the standards for workplace and contract improvements.

When you are wearing your "union hat," you are not talking to your supervisor or manager as an employee, but as a representative of the Nova Scotia Government and General Employees Union.

The Steward's job in NSGEU

- Organizer
- Communicator
- Educator
- Grievance Handler
- Advocate
- A link to collective bargaining
- A resource to the local executive

Each part of the job is covered in this handbook. You aren't expected to be an instant expert in everything. The handbook, however, has information to help you and your members in all these areas – plus where to turn for more detailed and technical help when needed.

Introduction - continued

Your rights as a steward

When you are dealing with management on union business, you deal with the employer as *an equal*.

The Canadian Labour Code and provincial labor standards specifically protect you (and other union leaders) from harassment or discrimination by management *because of your union activity*. It's illegal for an employer to:

- Deny you promotions or pay opportunities.
- Isolate you from other workers.
- Assign you extra work or unusually tough assignments.
- Deny you overtime opportunities.
- Enforce work rules unfairly against you or harass you with unwarranted supervision.

Your contract spells out your rights so review the articles that are related to your rights as a steward.

If your employer tries to discriminate against you in this way, it's a violation of federal and provincial law.

Steward as Organizer

Fitting into the Union

This section starts with you, the steward, in your workplace, and shows how you fit into NSGEU's structure at the local level.

Starting small – your work group

Work areas are the steward's jurisdiction. Ideally a work area has a manageable number of members who elect one of their co-workers as their steward.

Work areas need their own steward because:

- Shared working conditions bring a common understanding of the group's issues.
- NSGEU stewards should not be overburdened.
- Stewards need other stewards to rely on, and to share ideas with.
- Workers need someone to share information.

Stewards need a quick informal way of keeping in touch with their work areas – short meetings, shared coffee breaks, an effort to talk to everyone once a week, bulletins. Whatever the system, it reinforces your role as steward to regularly “talk union” and listen to concerns. It is important that workers elect their own steward.

Locals

All NSGEU members belong to a “local” – a group of members who work for the same employer.

When members are organized, the Labour Relations Board certifies the union to represent a “bargaining unit.” This is a legal entity which an employer must bargain with.

Locals are the basis of NSGEU's administrative and political worlds. They bring workers together on labour issues. Locals are the bodies that elect delegates to union conventions, approve local bylaws, get active in central and regional union campaigns and participate in area councils and labour councils.

Some NSGEU bargaining units (such as the community colleges, NSLC Employees, and Corrections) are province-wide. For practical reasons, NSGEU breaks these huge groups down into much smaller sub-locals.

Locals have their own relationship with management, so they need their own union leaders to discuss labour relations.

A local can have as many stewards as it wishes, each representing a specific work area or unit.

It's a challenge to bind units into a cohesive local and ensure that one large or active unit does not dominate.

Steward as Organizer - continued

The Local Executive Committee

The Local Executive Committee is the local leadership. It controls local money, involves the local in union activities and motivates members to act. It recruits, educates, inspires stewards, and runs interesting meetings and communications. The strength of any local is enhanced by a healthy, committed local executive.

The executive is led by the local officers: President, Vice-President(s), Secretary, and Treasurer (or Secretary-Treasurer) and Chief Steward.

It's important that the executive represent your entire local. The constitution and local bylaws spell out a framework.

Your executive should meet regularly, at accessible times and locations. You should discuss local issues and share information on labour issues in the community and beyond. Executive members should report back on these meetings to the general membership of the local.

Connecting to your community: Regional Councils

NSGEU's Regional Councils bring locals in a geographic area together. They work on internal and external projects and campaigns.

Their political role allows them to propose resolutions and constitutional amendments to the triennial Convention. NSGEU campaigns often depend on Regional Council participation.

Regional Councils can take on issues and activities that are too big for individual locals. They can lead in lobbying politicians, plan special events such as Labour Day, and organize strike support and election campaigns.

Regional Councillors are elected from locals.

Connecting to the work you do: Occupational Councils

NSGEU's Occupational Councils bring together local members who do the same or similar work. They work on internal and external projects and campaigns.

Their political role allows them to propose resolutions and constitutional amendments to the annual Convention. NSGEU campaigns often depend on Occupational Council participation.

Occupational Councils can take on issues and activities that are too big for individual locals. They can lead in lobbying politicians, plan special events such as Labour Day, and organize strike support and election campaigns.

Occupational Councillors are elected from locals.

Steward Workplace Mapping

Many trade unionists think “organizing” just means getting non-unionized workers to sign union cards. That’s part of it.

This section is about “internal organizing.” That’s working with your own local. These people are already organized in the first sense; internal organizing works to forge them into an effective group that can achieve workplace change.

Essentially, this means planning your union activities to reinforce the links between members, stewards, and the union.

You do this so the union is stronger for the next round of bargaining and can make more contract gains. You do it so management will act on your legitimate complaints and not force you through the long, frustrating, and expensive grievance system.

A union’s strength depends on the level of member participation.

The better organized your members are, the stronger their support for the union, and the more you can achieve.

For you, this means working closely with the people who elected you.

Workplace Mapping builds NSGEU’s strength by drawing as many members as possible into union events. It applies to bargaining a contract and addressing workplace problems. In union work, active members are your strength.

Stewards are more effective when they are organizers, catalysts, and leaders, rather than working individuals. Finding shared problems and collective solutions brings more members into union activity.

Advantages of the organizing approach

- It’s more effective
 - An employer will listen and bargain when many workers support and are active in the union.
- Members gain power when they share in decisions and victories. Reading about an arbitration win in the union newsletter is good. Knowing something you did made an employer back down on an issue is better.
- Members learn how union-employer disputes work
 - Members who understand the issues and processes are more likely to identify the employer as the problem.
- You can tackle more problems
 - Having a strong core of supportive members makes the union a force of many activists, not a service organization with a few leaders or paid staff.

Steward Workplace Mapping - continued

What motivates people?

Why do people give time and energy to the union or any other cause?

These are the main reasons, in order of importance:

1. They feel personally affected by the issue
2. They were invited by a friend or someone they respect
3. They feel compassion for other people affected
4. They need to feel part of a group
5. They are attracted by the leaders
6. They dislike the opposition
7. They are looking for status and recognition
8. They feel guilty about being apathetic (Note: This is the least important reason, so forget guilt as a tactic.)

Keep these reasons in mind when asking members to get involved in your local. If one doesn't work, try another.

Remember...

1. You are not alone
You have other stewards in your local, and the NSGEU office staffed with resource people. NSGEU has staff to support bargaining, education, communications, benefits, grievances, research, health & safety, and campaigns. NSGEU is committed to energetic, educated, enthusiastic stewards in each of our workplaces.
2. Use your voice
Active union members determine NSGEU's policies and programs. If they don't reflect your members' views, then not enough of them have made their voices heard. You can build understanding, interest and participation, so NSGEU can be strong and effective.
3. Recruit people (be even less alone)
If your local is to thrive, you must involve members as volunteers and leaders. Too often a small core of activists is called on time and time again to do all the work. Not surprisingly, they burn out. Make recruiting new people part of every activity you plan.

Recruitment

1. Welcome new members

Approach and welcome every new employee. It's good to have a new member's kit with orientation materials. Sit down and go over the organization and functions of the union and the contract.

A new worker may have no previous union contact or may have had a negative experience. We want everyone to have a positive experience with NSGEU, and to see the union as a lively, legitimate force interested in their ideas and welfare.

Some locals have negotiated time for union orientation; some are less formal. Let new members see the union as the information source on neighbourhood restaurants, other amenities, and community resources. What's important is that new people know your local is there and how to connect with it. Personally invite the new hire to the first meeting or other union event.

2. Encourage volunteers

Make a list of jobs that need doing. However small they are, you need something for everyone you recruit. Don't ask for volunteers unless you have work to do.

Here are some tips on approaching members:

- Prepare for the talk. Know how to pronounce names. Know if there are key things you should mention or ask.
- Put the person at ease. Introduce yourself, your name, job, and union position. Be polite and friendly.
- Listen closely. Learn the member's interests and skills. Don't interrupt. Keep your objective in mind. Don't argue.
- Think as you listen. Have you asked your key questions?
- Have you met your objectives? Have you heard anything to change your approach?
- End on a courteous note. Thank the member for their time.

Tips for Orienting a new member to the union

Check your collective agreement. Most collective agreements contain language that requires the employer to provide the local paid time to speak to new employees/members. If your collective agreement does not contain this language, negotiate it!

The first meeting

- Introduce yourself and let the member know you are their onsite representative, and where you work.
- Find out about their job – what they do, their classification, job status, the expected length of the contract if temporary, and the name of their supervisor
- Find out what questions they're facing as they try to do their new job; ask if there are any issues with other members or the supervisor with which they need help. Provide any information that's helpful and promise to follow-up on questions that require a bit of research.
- Help them meet co-workers who are also your members, so they feel less alone and more welcome.
- Ask if they've ever belonged to a union, and if they have any questions about it.
- Provide information about the Union and connect what you're saying to any questions they've raised. Show them the information you've brought them: e.g., collective agreement, list of the local executive officers.
- Identify when and where your next union meeting is scheduled; get confirmation that they can come; add them to your communications list.
- Provide your contact information – phone, fax, email or face to face
- Ask if they'll sign a union card, after you've explained what it is and why it matters.

After the meeting

- Follow-up by providing information or action you promised
- Check in to see how the person is doing and if they need anything
- Inform your local executive of your meeting and ensure the Secretary has accurate information about this member
- Keep developing the profile of your members as you get to know them.

Remember, the members need to feel like they are a part of the Union. By talking to the member in a respectful manner and listening to the concerns expressed, you are showing you have the member's interest at heart.

Steward as Communicator

Representation means two-way communications with the member. While meetings are one forum for communication, they are primarily designed for making decisions.

Without a doubt, the very best way to communicate is one-to-one in the workplace. This means one person – you – talking to one other person – one of your members.

Another good communication tool is local newsletters. Local publications address local concerns, and report on familiar names, locations and events - as central ones cannot.

Workplace distribution of NSGEU publications (central and local) by stewards lets you check in on members and reinforce your role as a leader, communicator, and representative. It's an opportunity to start a conversation on a union theme.

COMMUNICATION			
TYPE OF COMMUNICATION	EFFORT	RICHNESS OF MESSAGE	EFFECTIVENESS
Newsletter	Moderate	High	Low to Moderate
Mail	Low	Moderate	Low
e-mail	Low	Moderate	Low
Phone Tree	High	Moderate	Moderate
Posting Notice	Low	Low	Low
One-on-One	High	High to Very High	High to Very High

How a message is received

When a message is given, non-verbal communication accounts for 50% of how it is received. Another 40% is accounted for in how you say the message. That means that the actual words themselves only account for about 10% of how the message is received.

Steward as Communicator - continued

4 Steps to Effective Listening

1. Listening is an activity. It is not something we do passively. It requires us to ask questions and give feedback.

Four basic goals of good listening to consider when entering a conversation:

- To understand someone
- To enjoy someone
- To learn something
- To give help or solace

Paraphrasing is a basic tool we often use to listen well. We might use phrases like these:

- In other words, did you mean...?
- So how you felt about it was...?
- Did you mean...?
- I think what I am hearing you say is...?
- Correct me if I am wrong...?

Paraphrasing defines common ground, lets the other person know you understand what it is they are communicating, and it helps them feel understood and appreciated.

2. Listen with empathy. This requires us to recognize, accept and understand that we are doing the best we can and so are others. Try to put yourself in the other individual's shoes and give them the benefit of doubt. Try to understand where someone else is coming from and treat them with kindness as you take in the message. Ask what difficulties the other person is experiencing, and this will help you hear their message.

3. Be open as you listen. Be careful not to judge and put on your critical parent hat. Do not make your mind up too quickly as you take in the information. Give yourself some time to think and reflect. Try not to come to conclusions too quickly and develop a definitive position based on what you are hearing. Allow yourself to consider different perspectives.

4. Listen with awareness. There are two parts to this; compare what is said to your own knowledge, history, people, and the way the world operates; and secondly listen and observe for congruence. Watch for visual cues and try to determine if they match the information you were hearing.

Steward as Communicator - continued

Here are a few more skills offered to be a good listener:

- Maintain good eye contact while not staring.
- Lean in slightly while not encroaching on someone's personal space.
- Reinforce by paraphrasing and giving feedback at the right time.
- Ask clarifying questions.
- Try to eliminate distractions and be in the moment.
- Be committed to understanding them.

Tips for communicating with new members

Remember, the members **are** the union. By helping our members solve their problems, we can make the union stronger.

- Listen carefully to the member. Take their concerns seriously.
- Always ask if anyone else has/is affected by the problem.
- Do not delay when dealing with problems.
- Always make sure that the member has asked management to resolve the problem. If they have not, you can go with them to speak to the supervisor.
- Involve the member(s) at each step in resolving an issue in the workplace.
- Always let people who were not at a meeting know what happened.
- Keep your Union leadership informed – especially your Chief Steward and ERO.
- Problem solving and grievance handling are important opportunities to educate members about their rights and the union.
- Provide advice and be honest. If it is not a grievance do not be afraid to tell them this. If they want to, they can contact the ERO or Chief Steward.

Steward as Grievance Handler

One of a steward's main jobs is policing the collective agreement.

You do this as an official NSGEU representative. Your efforts may have far-reaching effects on the administration of the collective agreement. In this role, the position you take is not your opinion but rather a union position.

It's an important role and the tool it uses is the grievance.

Contracts vary in detail, but all include some type of grievance procedure. Normally it has several steps, designed to encourage settlement at each step. The final step is binding arbitration, where an independent third party decides the merits of the case.

Typically, the process begins with a member, backed by a steward, raising a complaint with the immediate supervisor. The second stage will see the complaint raised higher up the chain of command and involve the ERO.

The final step is the quasi-legal arbitration hearing where you will be supported by an employee relations officer (ERO). The employer will also have counsel. Each of these steps normally has time limits.

The Employer and Union usually share the cost of the arbitrator and the meeting room. Arbitration, clearly, is expensive for both sides – which is supposed to encourage settlement.

For a legitimate grievance, you need more than a complaint. There must be a violation of the rights spelled out in your collective agreement or in labour-related legislation. It's your job, in consultation with the Employee Relations Officer, to decide which rights have been violated and whether a grievance exists.

Not all problems are grievances

1. If a member thinks something violates the contract, investigate.

If you disagree, explain why. Members may not understand the contract. A careful reading may show they don't qualify for a benefit they are claiming. These problems can become contract demands, but not grievances.

2. A grievance is a complaint against management. It doesn't cover a disagreement between workers. These problems should be addressed in other ways.
3. Problems with management that aren't grievable can be raised at your local labour/management or employee relations committee.

They can be the focus of a workplace campaign involving members in forcing a solution.

4. Some problems are best dealt with by the health and safety committee, a joint accommodation committee, or by an unfair labour practice charge.

Steward as Grievance Handler - continued

Four questions to help decide what to do with a complaint

1. Is it a clear violation of the contract?
Grieve. The clearer the violation, the easier it is to win.
2. Is it a violation of the health and safety act?
Talk to your health and safety committee unless your contract has stronger language.
3. Is it a violation of the Human Rights Code?
Grieve. The code is deemed to be incorporated in all collective agreements.
4. Is it a violation of past workplace practice?
Grieve if your contract has some reference to the situation. To be “past practice” something must have been:
 - a. repeated consistently over an extended period of time;
 - b. accepted explicitly or implicitly by both workers and management (verbal or written agreement or unchallenged practice); or
 - c. a contract clause which neither side has tried to enforce in the past.

Three Types of Grievances

Individual grievance

One person grieves that a management action or inaction has violated their rights under the collective agreement. Examples include discipline, demotion, harassment, improper classification, or denial of earned overtime. Investigate and help the member write the grievance. If the person refuses to grieve, many contracts let the union grieve on behalf of the local in the form of a policy grievance. This defends the contract and protects the rights of other employees. Remember that monetary compensation is not usually awarded in a policy grievance.

Group grievance

A group grievance complains that management action or inaction has hurt a group of individuals in the same way. For example, an employer refuses to pay a contractual shift premium. A group grievance shows solidarity and builds power in a work group. If it involves money, members who didn't sign the grievance may not get any.

Some contracts don't allow group grievances. Everyone affected must grieve individually. There is still strength in numbers.

Steward as Grievance Handler - continued

Policy grievance

With a policy or union grievance, the union alleges that management action or inaction violates the agreement. It usually deals with contract interpretation, not an individual complaint.

Common sense inquiry

Common sense and the courage to stand up for what's right are your strongest allies. They are backed up by your fellow stewards, local president and access to union resources including the resource centre and ERO.

When a worker comes to you with a complaint, get the facts. Cover all the bases by asking the "6 Ws":

WHO is involved? For everyone, get basic data: Name, address, telephone number, work location, department, date of appointment, classification, work record (including absenteeism, work record, disciplinary record, and lateness record), name of supervisor, supervisor's position, and witnesses.

WHAT prompted the complaint? What is the injustice? What did management do? What does management say?

WHEN did the event occur? Date, time, and context.

WHERE did it happen? Exact location, department, machine, aisle, etc.

WHY is this a grievance? What has been violated? Which contract clause? Past practice? Law? A grievance must be rooted in the words of the collective agreement and any laws which are directly or indirectly incorporated within it.

WHAT must be done to correct the injustice? How can the member be "made whole," as if the violation had not occurred? Ask for full redress.

Serious detective work may be required

- Investigate promptly.
If your agreement requires permission to leave your job, get it, otherwise the investigation should occur outside of working hours.
- Interview the member.
Choose a place and time where you won't be rushed. Listen attentively and give the member time to vent frustration. Unless approved by the employer, make sure this is not done on work time.
- Get specifics.
Don't accept vague statements like: "The supervisor is picking on me." Repeat the worker's own phrases to show you are listening: "you say your supervisor always criticizes your work. Can you give me an example of this? What did your supervisor say? What did you do?" Ask what solution the member wants.

Steward as Grievance Handler - continued

- Probe the situation.

Members often assume you understand their jobs: they forget vital facts or skip parts of the story that might weaken their case.

You need this information. Keep asking questions until you are satisfied.

Document the case.

Ask the grievor to write the full story, giving names, dates, and places.

Ask for the actual quotes. The exact words may be important. Have the grievor sign and date the statement. This may be useful for refreshing the grievor's memory before a hearing.

- Gather your witnesses.

After you have the worker's story, collect statements from any witnesses. If possible, get these in the witness's own handwriting, signed and dated. If not, write the statement yourself and have the witness sign it. Interview both witnesses who support the grievor and those who don't. Weigh the grievor's story against other versions. At arbitration, witness statements can be used to refresh a witness's memory or challenge their credibility.

Track down the story.

- Talk to other workers, even those on other shifts, to see if they have the same problem. Do you have all the facts?

- Do your homework.

Check the contract, supplementary agreements, precedents or past practice, policies or department rules and arbitration awards. Remember that at arbitration a past practice must have been consistently applied over a long period of time for the arbitrator to find that the employer cannot change the practice.

- Keep good records.

Treat every grievance as if it were going to arbitration. Record your findings so you don't forget or distort key points. If a diagram or map would help, make a clear one showing where members, management, grievor were. This can establish what each could have heard or seen and give validity to their statements.

- Prepare for delay.

Months (even years) may elapse before a grievance is heard at arbitration. Recording the basics at the start ensures you will have what you need at the hearing.

These documents may also be useful to support bargaining demands, or to justify new contract language.

Please see investigation worksheets in Appendix 2.

Steward as Grievance Handler - continued

Writing your Grievances

All grievances must be discussed with the local's Employee Relations Officer (ERO)

Proper wording is important. It can win or lose your case; and it can have an impact on another grievance.

A well-written grievance is brief and to the point. It contains only facts, not opinions. Grievances should be written with the ERO.

State which clause of the collective agreement you dispute, but include the phrase, "and/or any other clause of the collective agreement that may apply" or "including but not limited to."

Don't forget to ask for the remedy you seek. It is a good idea to add the words "and any other remedy that in the opinion of the arbitrator will make the grievor whole."

Presenting the grievance

When you and the supervisor meet to discuss a grievance, you meet as equals. You represent the union; the supervisor represents management. A good working relationship makes both jobs easier.

Avoid threats, insults, bluffs, or unreasonable statements, but make it clear you won't compromise members' rights. Control your temper, even if the supervisor does not.

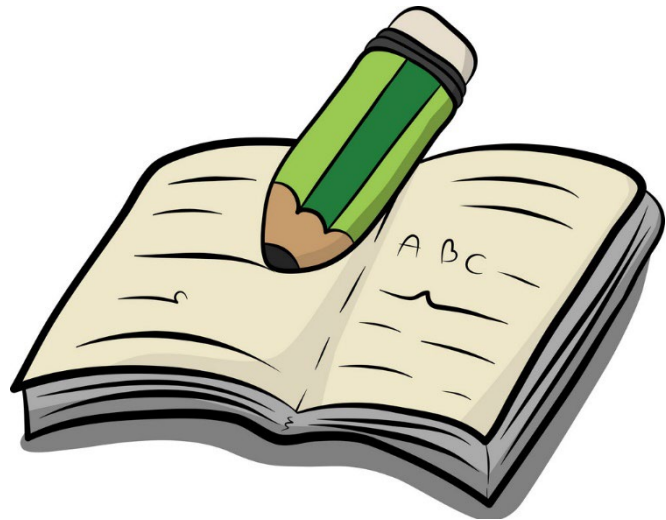
If the facts don't back your case, you don't have a case. Plan carefully. Decide the most important points. Write notes so you don't forget any of the points you plan to make.

Even if you get an oral agreement, record the grievance for the union files in case a similar situation arises again.

Once the grievance is in writing, both you or the ERO and the grievor should sign and date it. Either you or the grievor should give the written grievance to the appropriate Step 1 management representative. Some collective agreements allow for an informal verbal conversation at step one versus a formal written grievance.

Know your time limits and keep within them. If you don't, you can lose on this technicality.

If you need an extension of time limits, get it in writing.



Steward as Grievance Handler - continued

13 grievance presentation tips

1. Move quickly.
An immediate answer is not always possible. Supervisors may need to consider an issue or check with superiors. Is delay justified, or is it a stall? Invoke the contract's time limits. Ask your ERO to move it to the next stage if the time limit for a response has expired. Ask for a settlement to be retroactive to the date the grievance was filed to reduce the incentive to stall. Be polite throughout.
2. Know when to listen and when to talk.
You can talk your way out of winning. If you listen well, you gain valuable information – and the right to demand that management hears you without interruption when it's your turn.
3. Anticipate employer objections.
How will the supervisor respond? Prepare the right answers to any objections. No matter how well you investigate, the supervisor may have more information. Ask why this grievance happened – and listen to the answer. Don't be side-tracked to other issues. Keep your focus. Let supervisors talk themselves out, and then bring them back to the main point.
4. Know your facts – be confident.
Facts determine the outcome of a grievance; it's rare for presentation alone to carry a case. Present your facts firmly but not militantly. Be accurate and don't exaggerate. Be positive. Don't convey the sense that you are presenting the grievance only because you have to.
5. Control the discussion.
Keep to your best arguments. Ask management questions; ask them to justify themselves. Keep the emphasis on your complaints and grievances. Object if you get evasive answers. Ask for facts if you get vague statements.
6. Make management prove its position.
It can be effective to ask a supervisor to justify management's action. Don't try to show that they were wrong from the outset. Let them carry the burden of proof.
7. Maintain a united position.
Take the grievor along if possible. It's good education. Be sure you and your grievor agree on the issues and facts. Never argue among yourselves in front of management. Ask for a brief recess, if need be, to sort things out.

Steward as Grievance Handler - continued

8. Keep in touch.

Discuss each management reply with the grievor, the chief (or unit) steward and your staff representative. Decide together whether to accept the response or go to the next step. Sometimes managers reply directly to the grievor. Monitor time limits and ask the grievor if there has been a reply. If there has been, get a copy.

9. Settle when possible.

It's best if you can settle a grievance at the first step. Your ability to do this depends on keeping a collegial and professional relationship with your supervisor. If you settle, don't rub it in. There'll be other grievances.

10. Disagree with dignity.

Tell management you will pursue the case to a settlement. Many times supervisors don't like to expose their labour relations problems to their superiors and may well settle.

11. Scrutinize any deals.

Be careful if your supervisor wants to trade. Remember the rights of all members. Each grievance stands on its own merits. If you trade one member's grievance for another, the member whose case is dropped could file a duty of fair representation complaint. The union is legally required to represent all members fairly. NSGEU has an interest in all grievances. Don't let management intimidate a grievor into abandoning a case. It could set a precedent for other members.

12. Withdraw grievances with care.

You may have grieved to force a discussion, with no intention of proceeding. Even if the discussion doesn't achieve all you hoped, you may wish to withdraw the grievance. (Record the problem for your team to raise in bargaining in future). Consult the ERO. You might solve a serious problem by withdrawing a weak grievance. Or you might withdraw a case because the grievor has quit or moved away. If you are going to withdraw a grievance, do it "without prejudice."

13. Agree on what you've agreed.

Don't leave without a clear written record of what you have agreed. Don't depend on management records. Keep your own notes. If you have some agreement, write it down and have both sides sign it.

Steward as Grievance Handler - continued

Sometimes grievances are not enough

You've got a problem. Why not file a grievance? Perhaps the word "file" is the clue. Activists know that there are times when you can't rely only on the contract and the grievance procedure to settle problems.

The contract is a compromise hammered out in bargaining because of past organizing, grievances, arbitrations and strikes. Management will take every opportunity to strip away things you thought the contract protected. As a steward, you also must interpret it creatively in the interests of your members.

Grieving is an act that moves the issue out of the workplace to a legalistic structure where the contract language rules. While it proceeds, the members wait.

You can sometimes resolve issues by involving your members in cases where the employer's actions impact numerous individuals in the workplace. Organize at the worksite to show the employer your members won't sit back and be mistreated.

Grievances must be filed, yes, but support them with action. Make members aware of policy grievances, so they know what is taking place and update and involve members as things progress.



Steward as Grievance Handler - continued

The Steward-supervisor relationship

As a union steward, you have the right and obligation to deal with your supervisor as an equal when you are doing union work.

Avoid personal rivalry with your supervisor. Focus on the job to be done. Follow the workplace rules. If you expect supervisors to follow them, you must too.

- Never go over your supervisor's head without telling them. If you intend to appeal a decision, say so.
- Try to understand the other side's point of view, but never lose sight of your own.
- Don't brag about your victories. Let the supervisor save face; you may want to save yours some day.

Make management enforce the rules

Suppose a supervisor says: "Staff are spending too much time in the rest rooms. Tell them if they don't cut it out, I'll have to issue some suspensions."

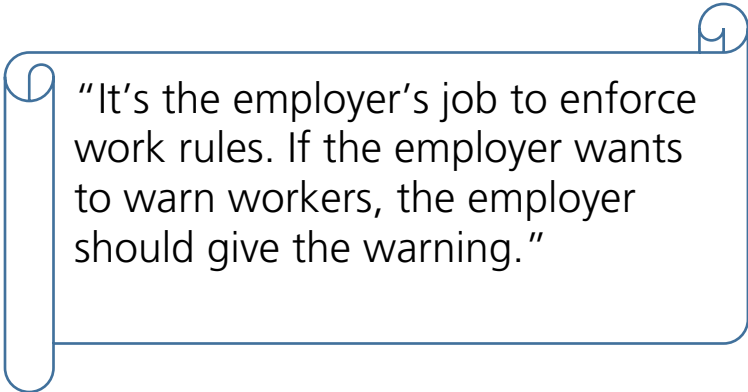
The supervisor is trying to prevent trouble; to stop violations before discipline is imposed. Almost everybody benefits: the employer, because the violations stop; and the workers, because discipline is avoided.

Everybody benefits – except you.

Suppose you pass on the word. What will the workers think?

You are bringing a message from the employer. You are explaining the employer's position.

If this happens often, your members will wonder which side you're on. There's an easy answer. Tell the supervisor it's the employer's job to enforce work rules. If the employer wants to warn workers, the employer should give the warning.



"It's the employer's job to enforce work rules. If the employer wants to warn workers, the employer should give the warning."

Steward as Grievance Handler - continued

Tips for interacting with management

Daily:

1. Develop an ongoing process for dealing with problems. Do what you can to keep your relationship with the employer functioning and constructive. If there's no process, try to get one established.
2. Maintain a strong union presence in the workplace. That way, management must think twice about trying to isolate individual members.
3. Be friendly, but "business-like" or "union-like" with management whenever you meet them in the hallway or a meeting. Sometimes a joking or conciliatory relationship can backfire.
4. Watch for power plays that trivialize the union. Your union leadership is equal to management and should be treated that way.
5. Watch out for favouritism – and challenge it whenever possible.
6. Challenge disrespectful, bullying, or discriminatory actions without attacking the manager as an individual. It is possible to say things like, "That comment is not appropriate and is in conflict with our workplace discrimination policy," without calling the manager names.
7. Be as consistent as possible. Challenging discriminatory and disrespectful behaviours is key to establishing the union's presence in keeping management accountable. If you let one issue or comment pass, it will be harder to challenge next time, and you will lose credibility with your membership.
8. Challenge inconsistent management practices. While there may be different styles of managing, there must be consistent rules applied.
9. Maintain a calm, formal presence when managers are communicating anger through their words, voice tones, gestures.
10. Speak firmly, clearly, loudly enough for everyone to hear you at the table. A confident speaking voice helps establish you as an equal voice to management.
11. Don't hesitate to call for a break to caucus as a union. It's extremely important to maintain unity.

Steward as Grievance Handler - continued

12. Develop guidelines for respect, if necessary, and monitor them.
13. Develop active listening skills. Often management representatives are not disciplined, and the union can gather information, and identify openings for action.
14. Make sure to take very clear and detailed notes at all meetings with management.
15. Summarize agreements and who will do which next steps.



Steward as Leader

What is Duty to Accommodate?

The right for persons with disabilities to be accommodated in the workplace and the corresponding duties of unions and employers are now well established in human rights law, some labour standards law (for instance – Part III of the Canada Labour Code) and case law.

Issues related to accommodation in the workplace stem from prohibitions on discrimination under human rights law. Like the Duty of Fair Representation, the right to equality under the duty to accommodate can also be breached by failure to act or address the needs related to a person with a disability.

There are two key obligations for unions:

- 1) Take an active role as partners in the accommodation process; and,
- 2) Share joint responsibility with the employer to facilitate accommodation.

Refer to the Human Rights Act

<https://nslegislature.ca/sites/default/files/legc/statutes/human%20rights.pdf>

Nova Scotia Human Rights Act

The Act aims to create a climate of understanding and mutual respect in which all people are equal in dignity and rights. The code prohibits direct and indirect discrimination, discrimination because of association, and constructive discrimination.

The Act aims to assure everyone the right to freedom from discrimination in services, goods and facilities; housing and accommodation; contracts, employment, and membership in vocational associations and trade unions.

Discrimination is barred for reasons of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, handicap, age, marital status, family status, and record of offences.

The Human Rights Act of Nova Scotia, which is often called the Human Rights Code, is a provincial law that prohibits discrimination and harassment based on prohibited grounds of discrimination (with specific provisions for sexual harassment and reprisal) in specified activities that fall under provincial jurisdiction. It is the principal legal instrument through which equality rights are enforced.

The Act applies to public accommodations, services and facilities (e.g. motels, schools, restaurants, stores, washrooms, insurance); the leasing of premises (e.g. apartments); the sale of property; labour unions and professional, business or trade associations; notices and signs; and all aspects of employment.

The Nova Scotia Human Rights Act applies to private sector businesses and organizations as well as to the provincial and municipal governments. Employers are responsible for the acts of their employees if such acts were committed in the course of employment, that is, if they were in some way related or associated with employment. Co-workers may also be personally liable for their actions. Schools are usually liable for bullying between students based on any of the 16 listed prohibited grounds.

Like all laws, the Human Rights Act is subject to the [Canadian Charter of Rights and Freedoms](#), which has been part of Canada's Constitution since 1982. Like the Act, the Charter protects equality rights. However, the Charter also guarantees certain fundamental freedoms, democratic rights, mobility rights, legal rights, aboriginal rights and linguistic rights, and, unlike the Human Rights Act, the Charter only applies to governments and their agents; private sector businesses and organisations are not subject to the Charter. The Commission interprets and applies the Human Rights Act in a manner consistent with the Charter.

The [Nova Scotia Human Rights Act](#) prohibits actions that discriminate against people based on a protected characteristic in combination with a prohibited area (see below).

Protected Characteristics

- Age
- Race
- Colour
- Religion
- Creed
- Ethnic, national or aboriginal origin
- Sex (including pregnancy and pay equity)
- Sexual orientation
- Physical disability
- Mental disability
- Family status
- Marital status
- Source of income
- Harassment (and sexual harassment)
- Irrational fear of contracting an illness or disease
- Association with protected groups or individuals
- Political belief, affiliation or activity
- Gender Identity
- Gender Expression
- Retaliation

In addition to protection from discrimination, the Act also prohibits harassment based on any of these characteristics and prohibits sexual harassment in all areas of public life.

Prohibited Areas

- Employment
- Housing or accommodation
- Services and facilities (such as stores, restaurants or provincially funded programs)
- Purchase or sale of property
- Volunteer public service
- Publication, broadcasting or advertisement
- Membership in a professional, business or trade association, or employers' or employees' organization

Labour Issues for Stewards

This section gives a bare-bones outline of some significant issues that may arise in your workplace. It sets out to give you union policy, a legal framework, and/or a basic understanding of the issues.

In all cases, there is a lot more information available. Each section refers you to a source of further expertise.

Duty of Fair Representation

Duty of Fair Representation is:

No trade union and no person acting on behalf of a trade union shall act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any employee in a bargaining unit for which that trade union is the bargaining agent with respect to the employee's rights under a collective agreement. Section 54A(3) of the Trade Union Act.

AN EMPLOYEE WHO WISHES TO FILE A COMPLAINT MUST FIRST TRY TO ENGAGE THE GRIEVANCE/INTERNAL APPEAL PROCESS AND MAKE THE COMPLAINT WITHIN THE TIME LIMITS SET OUT IN THE TRADE UNION ACT

When a union is handling an employee's collective agreement dispute with their employer, the union cannot act in a manner that is arbitrary, discriminatory, or in bad faith.

The Labour Relations Board will not interfere with the union's decision about a grievance as long as the union investigated the grievance fully; obtained full details about the grievance, including the employee's side of the story; and made reasonable assessments of the potential outcomes of the grievance and/or arbitration.

The union's duty of fair representation may be higher in cases where human rights and accommodation issues are at stake, and where the consequences for the employee are more serious, such as if you have been fired.

Just because you disagree with the union's decision, this does not necessarily mean that the union violated its duty of fair representation.

Important Definitions:

Arbitrary – This is conduct that is ill-informed or reckless, or where the union has not considered or has been indifferent with regard to your interests. For example, if the union accepted an employer's version of a grievance without giving you a chance to respond to it, or if it failed to adequately investigate your grievance, then this may be considered arbitrary. However, it is not necessarily a violation if the union makes honest mistakes or exercises poor judgment.

Discriminatory – This includes differential treatment due to protected characteristics such as race, sex, religion, disability, or just based on individual favouritism, except where justified. For example, if you were treated differently based on irrational or unreasonable grounds, then this may be considered discriminatory.

In Bad Faith – This includes conduct based on ill-will, hostility, or revenge toward an employee. For example, if the union refused to pursue your grievance because you opposed union officials in a union election, or if it engaged in dishonest or deceitful conduct, then this may be found to be in bad faith.

We must,

Educate and train union representatives.

All stewards and other representatives involved in handling grievances should be educated and trained in:

- the requirements of the duty of fair representation.
- grievance handling.
- the grievance process in the collective agreement, including the time limits for each step of the process.

Conduct a thorough investigation.

When an issue is raised or a grievance is filed, it is essential to thoroughly investigate the facts and circumstances surrounding the matter.

A thorough investigation includes the following steps:

- Interview all available witnesses, including the grievor(s).
- Make notes of the interviews or ask the witnesses for written statements.
- Gather all relevant documentation, including employee files, medical reports or notes, letters of discipline, etc.
- Never rely solely on the employer's version of events.
- Always get the grievor's complete version of events and afford the grievor an opportunity to comment on the employer's allegations and statements.
- Ask the grievor to describe the circumstances and issues in writing.

Know and comply with all time limits.

Know the time limits for filing grievances under the collective agreement, and for proceeding through each step of the grievance process.

When an employee brings forward an issue or problem to the union, the time limit for filing a grievance should be noted and complied with.

Be diligent in processing a grievance.

If a time limit is missed, do not try to hide the error or give up. Ask the employer for an extension of the time limit. Make every reasonable effort to correct the mistake.

Communicate with the grievor in a timely and effective manner.

The most frequent source of dissatisfied members and of claims against unions is the failure to communicate with a grievor in a timely and effective manner.

Timely and effective communication includes the following steps:

- Explain the grievance process to the grievor and how long each will take.
- Keep the grievor informed of the progress of his or her grievance at appropriate intervals. The frequency of reporting may vary with the nature of the grievance.
- Discuss how and when the union will communicate with the grievor.
- Respond promptly to the grievor's calls.
- Arrange for another union representative to handle a grievance in your absence and tell the grievor about the arrangement.

- Be candid about the chance of success.
- Discuss all settlement proposals and offers with the grievor.
- Keep a written record of all communications with the grievor.
- Provide the grievor with a copy of all grievance correspondence.

If the union decides not to proceed to arbitration with a grievance, the union's decision should be confirmed in writing to the grievor.

Maintain detailed records and an organized grievance file.

Effective file management will ensure that all relevant information is available for grievance meetings, arbitration, and, if necessary, responding to a duty of fair representation complaint. In responding to a complaint, written records of the steps taken by the union will be important for substantiating the union's actions.

Effective record-keeping and file management includes the following steps:

- Maintain a file for each grievance.
- Be sure to include contact information for the grievor and all witnesses.
- Make a note of all time limits.
- Keep a detailed record of how a grievance is handled.
- Take notes of all communications with the grievor and the employer, including grievance meetings and phone calls.
- Make a note of telephone messages left and received.
- Be sure to date all records.
- Print out all e-mails relating to a grievance and include them in the file.
- Obtain relevant documents from the grievor and the employer, such as an employee file or a letter of discipline.
- If an employee decides not to file a grievance (particularly where a critical job interest is involved), consider having him or her sign a written statement to that effect.

Thoroughly and objectively assess the merits of a grievance.

In deciding whether to proceed with a grievance, always make a thorough and objective assessment of the merits of the grievance.

A thorough and objective assessment of the merits includes the following steps:

- Base all decisions on relevant considerations.
- Carefully weigh the interests of the grievor with those of the bargaining unit.
- Provided they are weighed fairly against the wishes and interests of the grievor, it is legitimate to consider such factors as:
 - the language of the collective agreement.
 - how similar issues have been decided.
 - the availability of potential witnesses; o the credibility of the grievor.
 - whether the discipline imposed is reasonable.
 - the cost of proceeding to arbitration; and
 - the impact on other employees.
 - Exercise extra care when a grievance involves a critical job interest.

While a union should always be diligent and thorough in its representation of bargaining unit members, extra care should be exercised when a grievance concerns a critical job interest, such as discipline, discharge, seniority, job security, or a human rights violation, including a disability that requires accommodation.

Avoid conflicts of interest.

If a union representative has a personal interest or involvement in a grievance, assign the grievance to another representative to ensure that the grievance is handled without bias, or the appearance of bias.

Take complaints seriously.

Take complaints about representation seriously.

If a bargaining unit member complains that the union is not adequately representing his or her interests, the complaint should be investigated.

Record the results of the investigation.

Take immediate steps to correct any errors on the part of the union.

Harassment and discrimination

Harassment is a course of vexatious comments or conduct that is known or ought reasonably to be known to be unwelcome. It ranges from posting offensive pictures to verbal taunts and physical assault.

Discrimination means practices or attitudes that, whether by design or impact, limit an individual's or a group's right to opportunities because of attributed rather than actual characteristics. Discrimination is action or behaviour based on prejudiced attitudes.

Discriminatory behaviour uses physical differences to deny people equal treatment. Discrimination can target people who are perceived as part of a "different" group – women, people with disabilities or injuries, gays or lesbians, people from different ethnic backgrounds, etc.

NSGEU's commitment to human rights is reflected in the creation of a Provincial Women's Committee, Provincial Human Rights Committee, Provincial Disability Committee and a Provincial Young Workers' Committee, and collective agreement language.

Each committee has one elected member from each of the union's seven geographic regions. All have a constitutional mandate to develop and promote appropriate programs for their constituencies, and to increase awareness of equality and human rights issues throughout the union's membership.

The NSGEU Constitution gives every member the right to be treated with dignity and respect and be "free from discrimination, interference, restriction, coercion, harassment, intimidation or disciplinary action exercised or practiced by a member with respect to another member, both within the union and in the workplace, by reason of race, colour, age, national or ethnic origin, political or religious affiliation, sex, sexual orientation, family status, marital status, record of offences, physical characteristics or physical or mental disability."

All NSGEU members and staff are responsible for maintaining and promoting an environment that is free from discrimination and harassment. Anyone with authority to prevent or discourage discrimination and harassment, who fails to do so, violates this policy.

Local executives, executive board members, and elected committees are all responsible for establishing and maintaining an environment free of harassment and discrimination. If a member believes that they have been harassed or discriminated against by another member they can file a complaint under the grounds-based Harassment and Discrimination Prevention Policy or the non-grounds-based Personal Harassment Policy. Our policies apply to all NSGEU members, retirees, elected officials and guests during any union-related duties, activities and functions.

Health and safety

The Occupational Health and Safety Act (OHSA) came into effect in 1979. It applies to all NSGEU workplaces.

Its main purpose is to protect workers from health and safety hazards on the job. It sets out the general roles and responsibilities for employers, supervisors, workers and joint health and safety committees (JHSCs) or worker health and safety representatives.

Many regulations deal with specific hazards on the job. There are special regulations for industrial workplaces, health care facilities, a Workplace Hazardous Materials Information System (WHMIS), designated substances such as asbestos, lead, ethylene oxide, X-ray safety, and biological and chemical agents.

On June 15, 2010, Bill 168, the Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace) came into effect. This new law amends the Occupational Health and Safety Act by introducing new duties on employers with respect to workplace violence and harassment. Overall, the bill requires employers to be far more assertive when dealing with non-Human Rights Code-based workplace violence and harassment.

You will often be the first person contacted when health and safety issues arise, because you are there. The worker health and safety representative, or union member of the JHSC may work in a different area or department.

That's why you need a basic understanding of workers' rights under OHSA and of the procedures to follow.

The act provides four basic rights for workers:

1. The right to participate:

Workers have a role in identifying and resolving workplace health and safety concerns. This role is carried out through JHSCs in workplaces with more than 20 workers, or through worker health and safety representatives in workplaces with six to 20 workers.

2. The right to know:

Workers have a right to know about potential hazards to which they might be exposed. They have a right to training and information on machinery, equipment, working conditions, processes and hazardous substances. The employer must provide this information and training.

3. The right to refuse unsafe work:

Workers have the right to refuse work that they believe is dangerous to either their own health and safety or that of another worker. There is a process for refusing dangerous work and for the employer to respond to the refusal.

Health and safety - continued

4. The right to stop work:

In certain circumstances, “certified” members of JHSCs have the right to stop work that is dangerous to any worker. The Act sets how to do this.

Your role in occupational health and safety

As a steward, inform a worker member of the JOHSC or your worker representative of any health and safety concerns as soon as possible. In a work refusal, a worker member of the JHSC or the worker representative must be contacted immediately. Worker members of the JHSC or worker representatives are responsible for dealing with health and safety issues. You should respect this role and work cooperatively with them.

Through your daily contact with members, you can help the JHSC or the worker representatives identify and address health and safety concerns. Individual complaints of poor health or sore muscles may point to issues which can and should be addressed under the OHS Act. You can also use the act to get information and training on equipment or materials.

You can help your JHSC or worker representative organize your members around health and safety issues. When your JHSC or worker representative decides workplace action is the way to go, you have a central role.

NSGEU has technical experts to help you with health and safety concerns.

The Occupational Health & Safety Act (OHS Act)

Frequently Asked OH&S Questions

How do I have a voice in health and safety in my workplace?

If your workplace has between 5 and 20 employees, you can talk to (or become) your Safety Representative. An employee who is a Safety Representative is entitled to such reasonable time off from work as is necessary to carry out the employee’s functions as a representative, and such time off is deemed to be work time for which the employee shall be paid by the employer at their regular rate.

For further information, refer to Nova Scotia’s Occupational Health & Safety Act.

If your workplace has 20 or more employees, you can talk to, or become, a representative of your Joint Occupational Health and Safety Committee (JOHSC). Every workplace with 20 or more employees must have a JOHSC. This committee must be comprised of at least 50 per cent employees. It is required by provincial law to meet on a monthly basis unless all parties agree that this is unnecessary.

How do I volunteer to be on my JOHSC?

By law, a Joint Occupational Health and Safety Committee (JOHSC) must exist in every workplace with 20 or more employees. Check to see if you have a health and safety bulletin board in your workplace. There should be a list there of who is on your JOHSC. If you do not see a health and safety bulletin board, ask your co-workers if they know who sits on the committee or if they know your workplace union steward. If they don’t know, contact us at 902-424-4063, 1-877-556-7438 or email inquiry@nsgeu.ca.

When can I exercise my right to refuse?

Any employee may refuse to do any act where they have reasonable grounds for believing that the act is likely to endanger the employee's health or safety or the health or safety of any other person.

How do I exercise my right to refuse?

You must follow a set procedure. You must first notify your direct supervisor, and he or she must allow you to give them a tour of your specific workplace while you outline your concerns. Your supervisor should then work to address your concerns or provide you with the equipment you feel you need.

If you're unsatisfied with your supervisor's response, you can then stop working. But you must also notify your workplace Safety Representative or a member of your workplace's Joint Occupational Health & Safety Committee (JOHSC). If your representative or the JOHSC doesn't deal satisfactorily with your concerns, you can then notify the Department of Labour and Advanced Education.

If you do refuse to work at your normal job, your employer has the right to reassign you to other work (so long as it doesn't violate your collective agreement). You will be paid as though you were working your normal job. Even if you're not reassigned, you will still be paid as though you were working your normal job.

Be sure to notify your ERO if you or someone in your workplace enacts their right to refuse.

When should I return to work?

You should not return to work until:

- The employer has taken remedial action to your satisfaction.
- The committee, if any, has investigated the matter and unanimously advised you to return to work; or
- An officer from the Department of Labour has investigated the matter and has advised you to return to work.

NSGEU Policy Manual

Page:	1	Section:	4	Policy:	4.1
Section:	Stewards	Date:	Various		
Policy:	Guidelines	Revised Date:	October, 2019		
<p>The most important aspect of being a steward is that they are an employee's link to the union. A steward is a trusted co-worker, one who is knowledgeable of the collective agreement, advises employees of their rights in the workplace, and listens and responds conscientiously.</p>					
<p>ELECTION:</p> <ol style="list-style-type: none">1. Stewards shall be elected to serve the Local in accordance with the NSGEU Constitution & By-Laws.2. When elections are not possible, Stewards shall be appointed by the Chief Steward subject to ratification at the next Local meeting.3. Elections for Stewards shall be conducted by the Chief Steward and only members to be represented by the stewards may vote. The Chief Steward is responsible to notify the NSGEU office of any stewards elected.4. The Steward may be required to represent more than one bargaining unit.					
<p>RESPONSIBILITY:</p> <ol style="list-style-type: none">1. Stewards are responsible to contact the NSGEU to ensure they are scheduled for appropriate steward training.2. Stewards must be familiar with the collective agreements for which they are responsible.3. Stewards will keep the Local Chief Steward and the Employee Relations Officer, assigned to their areas, informed about complaints, and potential areas of labour-management conflict.4. Issues that may properly be dealt with by a Labour/Management Committee, where they exist, should be brought to the attention of the union representatives on that Committee.5. The Steward is responsible to represent the members who elected them.6. The Steward should attend all Local meetings and meetings of their bargaining unit called by the Local bargaining unit representative, or at least attend the required number of meetings to maintain eligibility for holding office in accordance with the Local By-Laws, where applicable.7. At the request of the Local President, the Chief Steward shall report on their activities. Stewards should bear in mind the confidentiality of grievances and report only on the location of the grievance and its subject.					

NSGEU Policy Manual

Page:	2	Section:	4	Policy:	4.1
Section:	Stewards	Date:	Various		
Procedure:	Guidelines	Revised Date:	October, 2019		
GENERAL GUIDELINES:					
NSGEU will encourage members to deal with stewards or Chief Stewards on complaints or grievances arising out of the workplace.					
Where feasible, NSGEU will encourage Stewards participation in all stages of grievance and arbitration process.					
Members who require information or are experiencing problems should contact their steward, or in the absence of their steward, their Chief Steward or the Labour Resource Center or the Employee Relations Officer.					

NSGEU Policy Manual

Page: 1	Section: 4	Policy: 4.2
Section: Stewards	Date: Various	
Procedure: Procedure	Revised Date: October, 2019	

Preamble:
At any time during any stage of the grievance (informal or formal), the Steward may seek advice from the Chief Steward, Labour Resource Centre or the Employee Relations Officer.

1. Procedure for a Steward:

- (a) When a member approaches a Steward with a complaint during working hours, the Steward should obtain permission from their immediate supervisor to meet in private with the member to discuss the complaint.
- (b) The Steward should take thorough notes regarding the complaint. It is essential to have the following information: name, department and classification. Then answer the questions: who? where? what? when? why? and the name of the immediate supervisor. The NSGEU investigation form should be utilized.
- (c) Allow time to complete the process.
 - take time to check the collective agreement.
 - check whether other members may be affected.
 - if there is uncertainty about procedure or interpretation, check with the Chief Steward and/or an Employee Relations Officer (ERO)
 - keep notes of your discussions.
- (d) Advise the member of your findings and the steps that will be followed.
- (e) Informal Step
 - arrange a meeting with the employer's designate identified in the collective agreement within the time limits specified.
 - if the designate doesn't agree to meet, advise designate you are proceeding to the next step.
 - before the meeting advise the member that you will be the spokesperson and that the member should only answer the question put to her/him without elaboration.
 - at the meeting be firm but not argumentative. If the meeting is getting out of hand or new information is brought up, ask for adjournment.
 - take notes.
 - advise the designate what you plan to do next.
- (f) If the issue was resolved, make a note of the decision.
- (g) If the issue is unresolved:
 - write an official grievance using the NSGEU grievance form;
 - ensure that the grievance is properly completed;
 - quote collective agreement Article(s) violated;

NSGEU Policy Manual

Page:	2	Section:	4	Policy:	4.2
Section:	Stewards	Date:	Various		
Procedure:	Procedure	Revised Date:	October, 2019		
	<ul style="list-style-type: none">- summarize the issue;- ask for the settlement that is being sought;- ensure the grievance is signed by the grievor and steward				
(h)	Present the official grievance to the employer's designate identified in the collective agreement. This is considered the formal 1 st Step in the grievance procedure. Unless mutual agreement has been reached to extend the "time lines", the grievance must be submitted to the 1 st level designate within the time lines contained in the grievance procedure.				
(i)	Notify the Chief Steward and the Employee Relations Officer (ERO) when this step has been taken. Forward a copy of the grievance to the Chief Steward and the ERO assigned to the Local.				
(j)	The employer's designate at Step 1 may ask for a meeting to again review the grievance. Follow the guide in (e).				
(k)	The employer's designate at Step 1 must respond in writing within the time limits specified in the collective agreement unless mutually agreed to extend those time limits. <i>If there is no response in writing, proceed to the next step by contacting the Employee Relations Officer.</i>				
(l)	If the grievance is not resolved, the Steward will work with the Employee Relations Officer to advance the grievance through the process outlined in the collective agreement.				
(m)	Keep the member informed of the progress of the grievance.				
Note:	There are various levels of training available to assist stewards in their role. All stewards are encouraged to make application for the training that is available through the NSGEU Education Program.				



GRIEVANCE FACT SHEET

CONFIDENTIAL - FOR NSGEU USE ONLY
www.nsgeu.ca/education FOR MORE INFORMATION

who?

NAME OF GRIEVOR		LOCAL	
ADDRESS		PHONE (HOME)	PHONE (WORK)
SECTION/DEPARTMENT	JOB TITLE	CLASSIFICATION	RATE OF PAY
EMPLOYER SERVICE FROM DATE	DEPARTMENT SERVICE FROM DATE	JOB SERVICE FROM DATE	

WITNESSES INVOLVED			
NAME	DEPARTMENT	JOB & CLASSIFICATION	PHONE

what?

WHAT ARE THE FACTS OF THE GRIEVANCE OR COMPLAINT? (please refer to checklist for specific types of grievance)

where?

WHERE DID THE GRIEVANCE OR COMPLAINT OCCUR (include a diagram, drawing or photo if that is helpful)

EXACT LOCATION

TYPE OF EQUIPMENT (if applicable)

AISLE/JOB/MACHINE NUMBER (if applicable)

when?

WHEN DID THE GRIEVANCE OCCUR?

DATE

TIME

HOW OFTEN?

HOW LONG?

why?

WHY IS THIS A GRIEVANCE? (indicate which article(s) of the collective agreement, law, past practice, or human right was/were violated)

want?

WHAT DOES THE GRIEVOR WANT TO REDRESS THE GRIEVANCE AND BE MADE WHOLE? (to put the grievor in exactly the same position s/he would have been in had the incident not occurred.)

employer

WHAT IS THE EMPLOYER'S POSITION ON THIS COMPLAINT?

WHAT PRIOR ACTION HAS THE EMPLOYER TAKEN WITH THE GRIEVOR?

VERBAL WARNINGS

WRITTEN WARNINGS

OTHER PENALTIES IMPOSED

NAME AND TITLE OF IMMEDIATE SUPERVISOR

steward

NAME

SIGNATURE OF STEWARD

DATE(S) OF INVESTIGATION

SIGNATURE OF GRIEVOR

CHECK LIST

FOR GRIEVANCE INVESTIGATION. HAVE THESE POINTS BEEN COVERED AND ENTERED ON THE FACT SHEET?

<p style="text-align: center;">DISCIPLINE AND DISCHARGE</p> <ol style="list-style-type: none"> 1. Previous work record. 2. Complete record of events leading to discipline. 3. An account of the incident resulting in discharge or reprimand. 4. Management's reasons for its actions. 5. Past practice in similar cases. 6. Supervisor's name, etc. 7. Names of witnesses, etc. 8. Dates and times important to case. 	<p style="text-align: center;">VACATIONS</p> <ol style="list-style-type: none"> 1. Time requested. 2. Time allotted. 3. Seniority. 4. Number of employees in work group. 5. Employer's reasons for denial of request. 6. Names of other employees involved. 7. Seniority and classification of other employees involved. 	<p style="text-align: center;">TRANSFER (denial of)</p> <ol style="list-style-type: none"> 1. Grievor's seniority and classification. 2. Department requested. 3. Names of new employees hired. 4. Date of request for transfer. 5. Availability of replacement for grievor. 6. Supervisor's reasons for not agreeing to transfer.
<p style="text-align: center;">HARASSMENT</p> <ol style="list-style-type: none"> 1. Incident: date, time, place. 2. Kind of harassment: personal, racial, sexual. 3. Consequences: promotion denied, position downgraded, unfair discipline. 4. Health effects: mental and physical. 5. Identify harassment source: supervisor, departmental head, co-worker. 6. Identify witnesses: co-workers and others. 7. Is this a repeated incident? 8. Has it been drawn to management's attention before? 	<p style="text-align: center;">OVERTIME (regular)</p> <ol style="list-style-type: none"> 1. Date and shift overtime was scheduled. 2. Classification scheduled for overtime. 3. Grievor's classification. 4. Name and classification of employee who worked. 5. The actual work that was performed. 6. Previous record of overtime distribution. 7. Last time grievor worked overtime. 8. Number of accumulated hours of overtime for grievor (and others). 9. Supervisor's reasons for not asking grievor to work. 	<p style="text-align: center;">IMPROPER LAYOFF (or recall)</p> <ol style="list-style-type: none"> 1. Employer-wide seniority of group. 2. Bargaining unit sent seniority of all involved. 3. Departmental seniority of all involved. 4. Classification or group seniority of all involved. 5. Type of work to be performed. 6. Previous experience of all concerned.
<p style="text-align: center;">JOB POSTINGS (unsuccessful applicant)</p> <ol style="list-style-type: none"> 1. Grievor's classification and seniority. 2. Grievor's experience and previous jobs. 3. Name, classification, and seniority of successful applicant. 4. Experience and previous jobs of successful applicant. 5. Management's reasons for rejecting the grievor. 6. Management's reasons for choosing the successful applicant. 	<p style="text-align: center;">OVERTIME (statutory holidays)</p> <ol style="list-style-type: none"> 1. Same as regular overtime. 2. Identify statutory holidays involved. 3. Verify that grievor is qualified for holiday pay. 4. Verify that grievor was willing to work. 5. Verify it was grievor's turn to work. 6. Verify that supervisor deliberately bypassed grievor. 	<p style="text-align: center;">SAFETY HAZARDS</p> <ol style="list-style-type: none"> 1. Name, classification, department of grievor. 2. An account of the incident. 3. What caused the complaint? 4. Has it been previously reported? 5. What action has management taken? 6. What law or rule is violated? 7. Witnesses' names, etc. 8. Any injuries. 9. Nature of injury.
<p style="text-align: center;">IMPROPER PAY (work assignment)</p> <ol style="list-style-type: none"> 1. Grievor's classification and seniority. 2. Grievor's regular work assignment. 3. Grievor's assignment on day in question. 4. Rate of pay applicable to assignment. 5. Exact work performed by grievor and instructions from supervisor. 6. Grievor's experience and previous jobs. 7. Management's reasons for not paying the higher rate. 	<p style="text-align: center;">SUPERVISORS WORKING</p> <ol style="list-style-type: none"> 1. Name of person doing the work. 2. Type of work performed. 3. Amount of time worked. 4. Area where work was done. 5. Grievor's classification. 6. Availability of grievor. 7. Supervisor's reasons for working. 	
<p style="text-align: center;">DISMISSAL FOR INNOCENT ABSENTEEISM</p> <ol style="list-style-type: none"> 1. Grievor's attendance record, including reasons for absences. 2. Likelihood of recovery. 3. Any disability requiring accommodation to the point of undue hardship? 	<p style="text-align: center;">DISCRIMINATION DUTY TO ACCOMMODATE</p> <ol style="list-style-type: none"> 1. Any discrimination on a prohibited ground? 2. Has the employer identified or made accommodation(s)? 3. Has the union identified possible accommodation(s)? 4. Effect on other members of bargaining unit by any proposed accommodation(s)? 5. Would the collective agreement be violated by any proposed accommodation(s)? 6. Does employer claim that undue hardship would result from proposed accommodation(s)? 	<p>Note: If this is a discharge or discipline case:</p> <ul style="list-style-type: none"> • Did you ask about any previous record, good or bad, long, or short? • Did you probe any extenuating circumstances, including personal problems of grievor? • Did you ask about the personal character of all people involved? • Did you discuss the consequences of the penalty? • Did you consider whether or not the punishment fits the crime? • Did you advise the grievor to seek employment while waiting?

GRIEVANCE FORM
NOVA SCOTIA GOVERNMENT & GENERAL EMPLOYEES UNION

Print or Type

Date Filed:

Name:

Address

Department:

Division:

Location:

Classification:

Length of Service:

Length of Service on Present Job

Supervisor:

Employee Relations Officer:

Contract Violation(s):

Summary of Issue(s):

Redress:

Signature of Steward

Signature of Grievor(s)

Distribution: Original – To File

Copies to: Manager/Supervisor, Grievor, Local President, Chief Steward

Appendix 3 – Canadian Labour History

A Brief History of Canadian Labour

For most of the 19th century, unions were illegal in Canada. Penalties for union membership, union organizing or talking union were stiff: fines, jail or, even worse, being shut out of the job market entirely.

Despite this, workers organized. They knew they stood a better chance of improving their lives speaking with one voice than as individuals, so they met and organized in secret.

The law permitted gatherings of family members. So, to follow the law and to protect each other's identity, workers called each other "Brother" and "Sister" instead of using names. We still refer to each other as Brother and Sister to emphasize our kinship and solidarity.

It was a Conservative, Prime Minister Sir John A. Macdonald, who legalized unions.

In the election year of 1872, Toronto printers waged a vigorous campaign for the nine-hour day and 54-hour week. Macdonald, then opposition leader, recognized that most printers were landowners and therefore voters. He promised to legalize union membership and he won. While his new law allowed membership in unions, it prohibited strikes, and it didn't force an employer to negotiate with the union.

Employers could have an employee who missed work, for whatever reason, jailed for absenteeism.

It took many long, brutal strikes before unions won legal recognition. That happened in 1943, with a federal law recognizing unions as the sole collective bargaining agent for their members.

A tradition of social activism

Early on, Canadian unions began their tradition of fighting for universal social programs and better working conditions for all workers, organized or not.

This goal of improving all workers' conditions separates us from U.S. trade unions. Canadian unions recognized a need to enter the political arena and elect pro-labour candidates, who would enact laws to benefit all. American unions, in general, concentrated on their own members.

The results are two very different societies. Canadian labour's involvement in politics has brought us universal health care, unemployment insurance, the Canada Pension Plan, minimum wage laws, and standards ensuring a safe workplace. In the U.S., these are often negotiated benefits for the organized minority.

Since organized labour represents only 11 per cent of the American labour force, this causes dangerous divisions in the working class.

It also gives U.S. employers a strong incentive to break their unions and explains the enthusiasm of right-wing governments in Canada for the American system.

NOTES

Tips for Creating a Welcoming Cross-Cultural Environment

1. If offering food at your meetings, always include an option. ASK ABOUT FOOD REQUIREMENTS IN ADVANCE.
2. Clearly label the food so people can make informed choices about what they are eating.
3. If in doubt, do not assume. Ask questions in a respectful and open manner and know that most people welcome an environment where they can talk about their backgrounds.
4. Take the time to learn how to pronounce and spell your members' names accurately.
5. When people do not get involved, do not assume it is because they are not interested. Ask questions about what might interest them, or how they could see themselves getting more involved.
6. Avoid swearing and the use of aggressive language. People who are new to the Union or to their jobs may not be accustomed to this language and may feel intimidated about getting involved.
7. Be mindful when others are speaking. Allow them time to express their opinions and try to respectfully answer their questions.
8. Avoid cliques at your meetings. Build activities into your meetings that provide opportunities for everyone to get to know each other and ensure there are roles for everyone to get involved.
9. When planning a large gathering, send out a questionnaire in advance that canvasses your members' needs regarding accommodation.
10. Refrain from making negative comments or jokes about people's clothing, food, accent, way of speaking, etc. It is not intent but impact that matters.



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