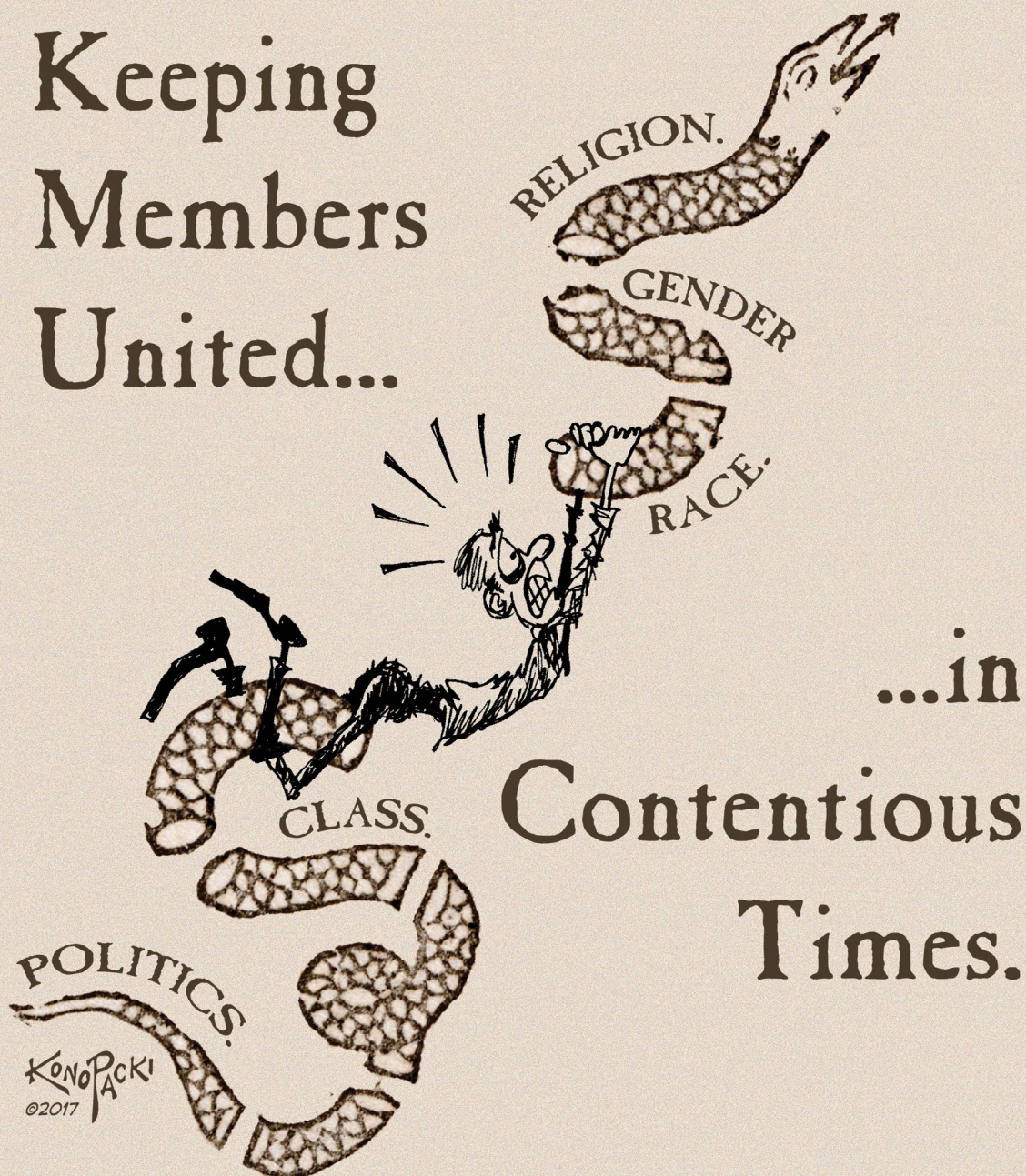




Keeping
Members
United...



...in
Contentious
Times.

J O I N, or D I E.

Keeping Members United in Contentious Times

Imagine a few scenarios that you may confront in your workplace:

- A member comes to the union meeting in a “Black Lives Matter” T-shirt and suddenly other members quit talking to him.

- In the lunch room, members at one table are speaking in Spanish. Another member walks by and comments below her breath: “Can’t build that wall soon enough.”

- A newly-hired probationary worker comes to work on her first day wearing a Hijab, the headscarf worn by some Muslim women. No one welcomes her.

- A well-liked member announces she is gender transitioning and requests that people begin using a new name, Mark, instead of Marcia. The next day, Mark’s workstation is defaced with obscene graffiti.

In contentious times, members often don’t see eye to eye, generating division and rivalries that undermine solidarity. Increasing membership diversity can lead to misunderstandings, which can escalate to disrespect. As a steward, you play a critical role in keeping the membership united.

You have a leadership responsibility to retain the confidence of the members you represent across the range of views and opinions they hold. You are in a good position to talk with everyone and to get members talking to each other. Stewards can help members see past their differences to build the connections that keep the union strong.

Every situation is different. Sometimes it’s about promoting open-mindedness so members can listen to one another instead of talking past each other: *dialogue* rather than debate. It may be about influencing how one membership group views another, helping members with a certain perspective to stand in another’s shoes, or allowing members to express discomfort or

uncertainty without resorting to ridicule or name-calling. You don’t have to agree with a different point of view in order to understand it. The challenge is often to figure out where consensus is needed to support unity, and where it is OK to acknowledge differences.

In every situation it’s important to keep in mind what the union stands for, the common purpose and shared values that bring union members together and strengthen commitment. Unions operate on democratic principles where freedom of expression and diversity of thought and action are part of the landscape. How you respond matters! When you’re challenged to navigate potentially contentious conversations, or need to wade in to diffuse tensions, consider three techniques:

Respect – Learn – Relate.

Act with Respect

Members who feel they are being treated with respect are more likely to engage with you, be less defensive and remain committed to the union. In its simplest definition, respect means to show consideration for, or to treat as worthy of regard. Recognize that members from different backgrounds and life experiences are likely to hold different views. Listen with an open mind to learn what’s important to them *from their perspective*. Discovering underlying concerns or fears often reveal an opening you can use to diffuse tension or refocus the conversation consistent with union principles. Respect is key to encouraging members to connect to one another, find common ground or agree to disagree.

Focus on Learning

It’s not always easy to separate your own views from what a member may be saying, especially if you strongly disagree. While you want to insist that language be respectful, you’ll often have an urge to shut down an offensive member. If you

do, your opportunity to influence how that member is thinking becomes closed off. Instead, try asking questions to clarify that member’s intent before jumping to assumptions. Then suspend judgement while listening. “Can you give me some specifics?” “What concerns you about that?” “From your perspective, what does that mean?” Listen for information you can use to move the conversation in a way that leads to new understandings, identifies common ground or diffuses tension. Check back for understanding. “Are you telling me you feel uncomfortable about ‘Black Lives Matter’ because you think that means yours doesn’t? How do you know that’s what the guy in the T-shirt thinks? Have you asked him to explain what it means to him?”

Relate: Relationships are Powerful

Navigating membership relations in contentious times isn’t easy. Recognize your own emotions first. Self-awareness helps you act strategically—keeping the best interests of the union front and center. Try putting yourself in the other person’s place. Finding those areas where you can genuinely express empathy with another’s perspective communicates respect, even while recognizing difference. Finally, strive for mutual solutions. Unity is strengthened when outcomes work for everyone.

Building connections with members, and between membership and the union, is powerful. Unity is strengthened when all members feel respected, feel good about themselves and recognize they are dependent on each other to protect their jobs and their families’ futures. That’s what collective action is all about.

—Susan Woods. The writer is a workplace facilitator and trainer who taught Labor Studies courses for many years. For a quick overview of an advocacy approach to conflict resolution, see: <http://www.hendersonwoodsllc.com/documents/CollaborativeConflictResolution.pdf>

Countering Management's Games

Smart supervisors and managers know that the best way to have a productive workplace is to play it straight and fair with everyone, especially with the steward when there's union business to be done. Unfortunately, though, not all managers and supervisors are all that smart. Many take pleasure in making the union's work as difficult as possible, especially when the grievance process is called into play.

Let's take a look at some of the ways management can try to wreck the procedure — and what an alert steward can do to counter these moves.

1 The stall: No, it's not a home for a horse. This strategy is designed to make you wait. Your supervisor never replies to your request for a meeting, or never answers the first-step grievance.

Employers stall for a variety of reasons, but the bottom line is that your request for some action is ignored. The tactic is frustrating and demanding, but your response should always be business-like. If the request for a meeting goes unheeded, make it again. If it is ignored a second time, put the request in writing with a copy to the union and the supervisor's boss.

If the issue is a response to a grievance, chances are the boss is trying to get you to miss your time limits. Never let that happen. If you do not get an answer within the limits set out in your contract, go ahead and appeal the grievance to step two with a note that the first-step grievance was not answered in a timely fashion. Document your action and make sure the union is aware of the problem. In some unions the second step appeal is made by a union officer or staffer, so follow your local's procedure. But don't miss your

deadline because of the stall. One other note: Some unions have the enviable language in their agreement that if the step one grievance is not answered in a timely fashion, the grievance is granted. So check your contract and make sure that you know your grievance procedure.

2 The blow-out: In this scenario, the boss wants you to lose your cool, usually at the grievance meeting. You could be ridiculed, ignored, yelled at — anything to get you so hot that your emotions rule, not your intelligence. When you get angry, you forget your game plan and the meeting ends in a shouting match.

Sometimes the boss will aim the strategy at the grievant. You may have been in meetings where the supervisor turns to your member and says something like this: "Did you really think you could get away with that?" Or "Aren't you old enough to know better?" Lines like this are designed to get the worker angry enough to say something he or she shouldn't. The member might disclose something on record that does not even belong in the meeting, or lose his cool and become insubordinate.

Keep things in control. At the grievance meeting, you do the talking. Tell the member what to expect and not to get flustered or angry with any question that's asked. Educate the member before you go into the meeting. You can stop the meeting at any time and leave the room to regroup and cool things down.

3 The trade: Formally called horse-trading, this tactic has nothing to do with ponies. It is an attempt by management to get something before they give something. You may be asked to drop one grievance to get

settlement on another. Don't fall for this ploy. Pursue all grievances on their merit. Horse-trading is not only unfair to the member being sacrificed, it's a tactic that can lead to the union being sued by the worker whose grievance is being tossed.

4 Divide and conquer: A house divided will not stand, and neither will a local union. Never allow one member to be played off against another. Never air disagreements in front of management. Have your discussion outside the room, out of earshot.

5 Side issue: Here, the supervisor will bring up extraneous issues, other grievances, or the employer's latest new rule. If the meeting has been called to discuss a grievance, redirect the conversation back to the issue at hand, as often as necessary. Don't get sidetracked. Keep control of the meeting.

6 Shifting the burden of proof: This is often used in a disciplinary hearing or appeal. Management is charging the member with some kind of infraction. Under the general rules of discipline, management must prove its case. The burden's on them. This doesn't mean you stay stone silent during the meeting. You should play a very active role in defending the member, but it is the employer's job to carry the burden of proof.

These are six tactics that can be used by management at grievance meetings. They may be used to test a new steward, or to take back control of the grievance procedure from a union that has built a record of success in using it. Don't be fooled.

— Robert Wechsler. The writer is a veteran labor educator.

There are several ways to counter efforts to wreck the grievance procedure

Discipline Cases: Help Co-Workers Understand the Union's Role

How many times have you heard the gripe that “the union defends only the screw-ups”? These sentiments are just wrong. When the union gets involved in discipline cases it's because it's defending the process as well as defending the individual. That process—called “due process” or a “fair process”—means that managers can't act arbitrarily or enforce some personal vendetta.

The union's enforcement ensures management accountability: Did managers act reasonably under the circumstances? Did they follow progressive discipline? Did they conduct a proper investigation? Does the punishment fit the crime? Do they mean what they say about discipline being corrective not punitive?

Many members may not understand why the union goes to bat for a particular co-worker. Sometimes this is motivated by personal dislikes or jealousies or a desire to get back at somebody. If you're seeing this in your group, consider having a conversation with members about why the union must protect the process no matter who's involved. Ask questions and be careful not to preach. These discussions may be particularly important with co-workers who never before worked under a collective bargaining agreement. It's not as if anyone learned this stuff in school!

Here's an example. Let's say that a member is discharged for having a Medical Marijuana card. The job is located in a state that permits medical marijuana prescriptions but the employer, a national corporation, says that it will only follow federal law and that it has a zero tolerance policy toward any marijuana use. However, marijuana can show up in drug tests weeks after use, and here there's no claim that the accused couldn't do her job or was in any way impaired at work.

Some co-workers, nevertheless, complain that they feel unsafe working with somebody who gets stoned. Others say that they just don't like this person and want

her gone. They make it clear: they don't want the union to defend this person.

What's a steward to do? Focus on the process and the issue, not the person or the personality. A process that holds management's feet to the fire benefits everyone, because if managers get away with unfair disciplinary action in one case, it can encourage them to try it again. The union is safeguarding not only the rights of the accused worker but of everyone in the unit. The process also gives union officers and staff the leverage, depending on the case, to fashion reasonable settlements. The objective is a workplace free of retaliation, favoritism, fear and harassment.

Almost every contract has a just cause provision that provides a baseline for the employer's action. Arbitrators are frequently guided by a seven-part just cause test. This also serves as a checklist for union stewards, officers, and staff:

1. Did the employee know of the employer's policy?
2. Is the policy reasonable?
3. Did the employer conduct an investigation to determine whether the employee violated the policy?
4. Was the investigation fair and objective?
5. Is there substantial evidence that the employee violated the policy?
6. Is the policy consistently applied?
7. Is the discipline reasonable and proportional? (Does the punishment fit the crime?)

These standards are related to the kind of legal protections Americans and Canadians expect when accused of a crime: fair notice of the charges and the right to obtain information; the right to counsel; the opportunity to be heard, to present witnesses, and to confront one's accusers.

But don't our labor and employment laws protect us? Not very much. The U.S. is an “employment-at-will” nation. An employee can be discharged for almost any reason – a comment to a supervisor, a

style of dress or having tattoos, a Facebook posting, you name it – with little chance of a meaningful defense. Employer personnel policies are one-sided and provide little protection.

Canadian workers are not employment-at-will, as provincial laws place some limits on employer conduct. In the U.S., however, when you go to work, it's as if you leave the Bill of Rights at the door. The main exception in the U.S. is protection under federal and some state laws prohibiting discrimination by race, national origin, religion, sex, age, harassment (sexual and others), retaliation and pregnancy. (A stewards' guide on protecting the rights of pregnant members is available free on the UCS website, www.unionist.com.) U.S. public-sector workers do have some protections because government entities must meet certain constitutional due process standards. But those protections are limited, too.

In both the public and the private sector, enforcing individual rights without a union often involves hiring a lawyer and bearing the expense and stress of a long bureaucratic procedure. Contrast this with the contractual grievance-arbitration system; it typically moves more efficiently than the courts and costs are shared among all dues payers.

The due process safeguards within our contracts add up to what is arguably the most important reason for having a union. The world has gotten a lot more insecure for workers nearly everywhere in recent decades. But, in the U.S., where legal protections are so limited and where health care and retirement benefits are so closely tied to employment, workers are particularly vulnerable. The union and the contract may be all that block managers from turning your life upside-down. As you enforce the rules, help co-workers to better understand that maintaining those protections means protecting every single member.

—Fred Kotler. *The writer, a long-time organizer and labor educator, is currently on the staff of the Michigan Nurses Association.*

So-Called Right-to-Work: A Steward's Guide

As a union steward, you're the person members will approach when they have union-related questions. The term "Right-to-Work" (RTW) is back in the news in a big way, so it is important to revisit why it represents both a threat and an opportunity for workers and the labor movement.

What Are "Right-to-Work" Laws?

"Right-to-work" are U.S. state laws that prohibit unions from requiring that dues or service fees be collected from all workers covered by, and benefiting from, a union contract. By making dues payments voluntary, RTW laws can erode union membership and resources. Labor activists often call them "right to work for less," because they're designed to make it harder for unions to effectively represent workers and press for policies that benefit all workers – even those without unions. "It weakens the general overall climate for union support," said Jim Wrenn, a former shop steward and current president of UE Local 150 at the Cummins diesel engine plant in Rocky Mount, NC. With RTW, Wrenn said, "when you have a union contract, not all the workers are members of the union, so you may have to represent workers who aren't members."

What Makes These Laws Possible?

U.S. federal law. In 1947, Congress passed the Taft-Hartley Act, which opened the gates for RTW, to discourage organizing. Canada does not currently have a RTW law, but there is concern that some anti-union trends may lead in that direction.

How Common Are These Laws?

Now, 27 states have enacted RTW laws. Recent additions to the list include Kentucky (2017), West Virginia (2016), Wisconsin (2015), Michigan (2012), and Indiana (2011). Other states now targeted by the National Right to Work Committee, the American Legislative Exchange Council (ALEC), and their corporate backers include Missouri and New

Hampshire. These laws can affect both private and public sector unions.

What Does RTW Mean for Union Membership?

It means that employees in the bargaining unit must *choose* to join the union and pay dues. Employers often respond by encouraging current members to opt out and discouraging new employees from signing up.

Are Non-Dues-Payers Excluded from the Contract?

No. Unions are still legally bound to represent everyone, whether or not they belong and/or pay dues. This is "the duty of fair representation." So people can get the benefits of a contract without supporting the union.

How Can the Union Still Do Its Job?

The idea behind RTW is to weaken unions through membership attrition and loss of dues income. Imagine 20 or 30 percent of your co-workers drop their membership: Union strength could be seriously undercut, followed by management-initiated divide-and-conquer tactics.

It doesn't have to work that way. Chad Neanover, a union steward with the Culinary Union Local 226 of Unite Here at The Flamingo club in Las Vegas, says he finds it rewarding to be a shop steward in a RTW state. "I get to work to make the Culinary Union a stronger place through getting active with members," he said. Culinary sends its shop stewards to identify and talk directly with workers who don't sign up or pay dues (or opt out). "It usually ends up being a series of conversations. I find out what their issues are, what they need to know, and what their complaints are about the union...I've actually been able to sign up everybody that I've talked to." With this program, said Neanover, the Culinary Union has managed to get 90% of workers in its shops to pay dues – even though Nevada is a RTW state.

What Does This Mean for Union Stewards?

Right-to-work laws make a union steward's job tougher – but stewards are up to the challenge. As Jim Wrenn said, "It creates an anti-union climate – but then again you've still got rights. You have to exercise your rights."

One challenge for stewards is educating members about voluntarily paying dues. If you're not in a RTW state, you have to make sure your members are aware of what "right-to-work" really means.

In addition, many members may see the union as a kind of insurance agency, with members passively paying dues like insurance premiums, filing grievances like insurance claims. Union stewards in RTW states say changing this mindset is crucial.

"We're going to have to look at a new way of fighting," said Mike Fendley, a meat cutter and a steward with UFCW Local 227 in Louisville, KY. His state became the newest RTW state in January 2017, when the governor signed the law over the objections of working Kentuckians. "Because you're trained as a union steward," Fendley said, "you're going to have to come on stronger and get people involved with the union. Get people out to the meetings. Get people out to do union work and see what it's all about."

Stewards can promote member participation by communicating with every member (and prospective member), orienting new members, welcoming new participation, and hosting social events.

When members can contribute, they're no longer passive consumers. When goals are clear and everyone has a role to play, it strengthens the organization. Neanover said the union harnesses that member energy when it is time to negotiate a new contract. "We're a community outreach organization more than a service organization," he said, "because we educate the members to see that every time we go into negotiations, if we are all united, we can get better conditions inside the shops."

—Fred Kotler & Mariya Strauss. Kotler is a long-time organizer and labor educator. Strauss, a Baltimore-based writer, publishes in a variety of national publications.

OPEIU Steward Update is a bi-monthly newsletter for the information and education of OPEIU's dedicated stewards.

How to Talk to Others About the Union Difference

As a union steward, you understand how important it is to find the right words when talking to your members and coworkers, and how vital it is that you really listen and respond in a way that fully answers their questions and meets their specific needs.

It's the same thing when talking to new employees or to our non-union counterparts about the benefits of joining together in union. As you know, broadening our reach among our own coworkers through member-to-member interaction is the best way to increase our power in the workplace. So, how do you go about having these conversations?

First, order matters. Start by talking about shared values – not by stoking anger over problems. **Next**, describe the origin of current problems, without making them so dire that change seems impossible. Then, offer people “joining together in union” as the solution.

Here are some steps you can take when helping people see the benefits of OPEIU membership:

- STEP 1** Introduce yourself and explain why you're reaching out.
- STEP 2** Listen to the concerns and issues raised.
- STEP 3** Probe around these issues/concerns.
- STEP 4** Educate and explain the benefits of moving forward as a team, with all working people in union together.

Some tips:

- Describe creating something good – rather than seeking just to eliminate something bad.
- Speak to what working people need for themselves and their families, not simply what workers “produce,” nor what the economy needs. Name improvements via their real impact – like helping a kid pay for college or retiring securely – not simply “wages, benefits and working conditions.”
- Reference both individual gains such as “making life better for our families” and collective advancement such as “making our workplaces fairer.”

- STEP 5** Ask for a commitment to support, join or participate. **Give people agency in “joining together.”**
Don't imply “the union” is a third party, acting for people. We all are the union!

Source: Lake Research Partners, ASO Communications



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