



# *Teamster Stewards* Make a Difference

A comprehensive guide for today's Teamster Steward







## An Important Message for Teamster Stewards

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### *Dear Teamster Steward:*

Thank you for serving as a Union leader at your worksite. To your co-workers who look to you for guidance, support and strength, you ARE the Union in action. What you say counts. How well you listen counts. How well you respond to your members' questions and concerns counts. You are the leader they look to for everyday assistance and results.

Being a leader is no small task. To help you sharpen your skills and prepare for the tough challenges ahead, we have created this guide especially for you. We encourage you to read the information and learn what's expected of you as a union steward. You can make a difference to the 1.4 million men and women who comprise the Teamsters Union.

Thank you for undertaking what we believe is one of the most important jobs in our union, that of union steward. Your hard work and dedication will make a big difference as we face the tough challenges ahead.

Fraternally yours,

James P. Hoffa  
General President

Ken Hall  
General Secretary-Treasurer



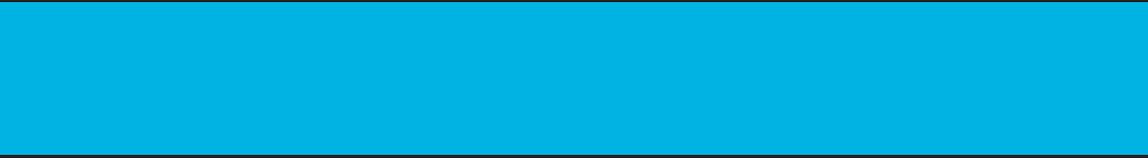
**Teamster Stewards Make a Difference**

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# Why Stewards?





## Why Stewards?

### *“Teamster Stewards as Leaders in the Workplace”*

#### Introduction

The word “steward” means many things. In the Teamsters Union, a “steward” is someone who addresses, on a daily basis, the members’ needs, wants, interests and concerns. Since the Teamsters Union represents 1.4 million members, Teamster stewards work long hours to make sure the members have a voice and an advocate on the job.

Despite the hours and effort, being a steward can bring great satisfaction to the individual – satisfaction that comes with knowing you have helped someone or made a difference in the lives of working men and women and in the process made the Teamsters a stronger union.

#### What do Teamster Stewards Do?

Teamster stewards perform many tasks. In general, they monitor and enforce the collective bargaining agreement or “contract,” which is negotiated by representatives of labor and management. Of course, enforcing this contract is no easy

task. Often, the union and the employer have different perspectives on workplace events or what is required by the contract. Also, stewards are pressed for time, working as regular employees while they perform their union work on the side.

Because of these and other obstacles, Teamster stewards must work very closely with their own members and the local union leadership team to keep up-to-date on workplace issues, events, problems and concerns.

#### Teamster Stewards as Leaders

Teamster stewards are worksite leaders who advocate for Teamster members, investigate workplace issues and bring concerns and formal grievances to management’s attention. Stewards make sure the contract is enforced and that members know their rights. Stewards watch out for things like health and safety hazards that need to be corrected.

Stewards attend membership and craft meetings to gather information and take it

#### Today’s Teamster Steward is a . . .

Communicator • Problem Solver • Mediator • Educator • Leader  
Strike Captain • Organizer • Mobilizer • Strategist • Listener  
Recruiter • Team Player • Motivator • Coach • Political Coordinator  
Advisor • Project Coordinator • Community Leader • Event Planner  
Member Advocate • Volunteer Coordinator

back to the members on the job. Stewards encourage members to attend membership meetings or participate in union events. Stewards motivate and inspire their co-workers to understand the union and get more involved.

At times, stewards may help stage rallies, meet with politicians on industry and union issues, and help organize new members into the union. Some stewards bring their knowledge and expertise about their industries and union into the classroom to help young people connect to the world of work and the role of the union.

Sometimes, stewards bridge differences that may exist within their own ranks. For example, stewards may have members whose differences divide them. As leaders, stewards try to bring people together – despite their differences – and try to resolve workplace conflict.

In other words, Teamster stewards wear many hats and play a critical role

in building our union of 1.4 million members in the United States and Canada.

## Stewards Manual

Since 1978, the Teamsters Union has produced a Stewards Manual to help our stewards assume this role of worksite leader and advocate for Teamster members and their families. This manual is one in a series of new publications aimed at helping stewards and their members face the growing challenges of the 21st century workplace. Each chapter is devoted to helping stewards build their knowledge and skill in key subject areas like information collection, membership advocacy, workplace rights, grievance and arbitration, organizing, among others. Review questions follow each chapter so that Local leaders can use this book for training purposes.

No one book can provide all the answers. Hopefully, this Steward's Manual





## Why Stewards?



complements other information available to the Teamster steward. For example, your local union may have some other material that is useful to you. Or, you may want to visit the official Teamsters website at [www.teamster.org](http://www.teamster.org) for news and items of interest.

## A Changing World, Changing Roles

The workplace has changed dramatically and so have the industries in which we work, in both the public and private sector. The multinational conglomerate has replaced the “mom and pop” operation. The public employer has “reinvented” itself through reorganization, downsizing and privatization – trends that threaten stable, union work environments.

Technology has also changed the workplace equation. While unions have always had to balance new technology with the need for job preservation, the change that technology brings today is far more dramatic than ever seen before in history. In fact, the full impact of e-commerce, the Internet and “real time” communications has yet to be realized.

Consequently, Teamster members look to their stewards to help them address the challenges that change brings — change at home, at work and in the larger community. Teamster members rely on their stewards, officers and business agents to help them fully understand what change means and what strategies we can employ to protect members and their families.

## Review Questions

- Are stewards expected to be union leaders?
- What does “leadership” really mean?
- What role does a Teamster steward play on the job?
- What role do you think is most important?
- What are the chief obstacles to a steward enforcing the contract?
- How will new technology impact your job or industry? How should the union respond?

## Conclusion

Stewards work hard and must adapt to the demands of the industry or work environment. They must be the eyes and ears of the union. They must listen closely to their members, investigate and explore the issues and bring concerns to management’s attention. No longer do union stewards simply process grievances; rather, Teamster stewards wear many hats to be effective in an era of dramatic and constant change.



SCHOOL BUS



# Getting Started





# Getting Started

*“Information is power.”*

## Get Organized

It is important for Teamster stewards to develop a good system for organizing all the information and materials that will begin to accumulate—even on a steward’s first day.

You will want to develop a file system that will help track issues and grievances and maintain historical files related to grievances, negotiations, organizing and other projects. These files should be cross-referenced by

- Member Name(s)
- Issue(s) or Contract Violation(s)
- Date

Your file system can be established on paper or on a computer. The best system is one that you develop yourself, is easy to update or maintain, and can be passed on to others. Your file system should be cross-referenced for easy access at a later date.

Developing a good system will help you and your co-workers be competitive in the information age since the employer has long applied sophisticated techniques to the process of collecting and maintaining information.

## Record Keeping and Continuity

One day another member will assume your responsibilities as union steward. Organizing the information today for a steward to use sometime in the years to come will be your contribution to building a more powerful union.

Information can be a critical tool in

your efforts to advance members’ interests on the job. Organizing it and passing it on to your successor ensures that your efforts will continue to make a difference well into the future.

## Setting Up A System: Organizing Important Information

Information is power. There is a host of information that stewards can retain and distribute as they orient new members and keep existing members up-to-date on key issues facing the union. How you organize this information will help you access it in the future.

How best to establish a basic grievance file? What kind of records should you maintain? Consider the following:

### Grievance File

1. Grievant Name, Title, Department
2. Date of Hire/Seniority Date
3. Issue/Discipline or Non-Discipline Matter
4. Contract Language that applies
5. Date Grievance Filed, Date Violation Occurred
6. Information Requests Pending
7. Responses to Information Requests
8. Status of Grievance

### Complaint/Issue File

1. Member Name, Title, Department
2. Date of Hire/Seniority Date

3. Issue
4. Relevant Dates
5. Status of Complaint/Issue

### **New Member Information**

1. Teamster Privilege Handouts
2. Health Insurance Handouts, Forms
3. Pension Information
4. Information on the Teamsters Union Website (See [www.teamster.org](http://www.teamster.org))
5. New Member Kit from your Local Union, if available

### **Card File on Committee, Volunteer Members**

1. Committee Names, Chairs, Contact Numbers
2. Departments, Shifts, Work Hours of Volunteers
3. Addresses

4. Telephone, Pager, Cell Phone Numbers
5. Email Addresses

### **Other Useful Information**

1. Contact Names for Local (Chief Steward, Business Agent, etc.)
2. Copies of Current Teamster Contract, Side Letters, Addenda, Riders
3. Grievance Forms & Fact Sheets
4. Authorization Cards to Sign Up New Members
5. Dues Check-off Cards
6. DRIVE Cards
7. Seniority List
8. Stewards Quick Guide for Orienting New Members (published by International)
9. Employer Policies, Work Rules, Procedures, organized chronologically so you can see the progression of employer activities.





## Getting Started



### Chief Steward's Clearinghouse

There are other items that may be best maintained in a central clearinghouse—perhaps under the watchful eye of the Chief Steward or Business Agent. These items may take up a great deal of space or they may be sensitive in nature. In either case, you will want to hold them in a safe or secure area but make them available to stewards who want to review them.

A chief steward's or business agent's files might contain the following:

- Job Postings, Memoranda on Bidding and Awards
- List of Job Classifications
- Seniority List

### General Information on Local Union

1. Names, Telephone Numbers of Local Union Contacts
2. List of Local Union Executive Board Members
3. Standing or Ad Hoc Committee Information

4. Dates of Membership or Craft Meetings
5. Advisories on Local Union Issues, Events

### Teamster History, Constitution or Local Union Bylaws

1. Teamster Constitution, Local Union Bylaws
2. Teamster Century (published by International)
3. Teamster Magazine, Teamster Leader (published by International)
4. Contract Updates (International Industry Newsletters)
5. Other Local Union, Joint Council or International Publications

### Employer Information

1. Supervisors' Names, Titles, Departments, Telephone Numbers
2. List of Employer Policies, Procedures, Work Rules
3. Bulletin Board Postings or Other Advisories

4. Employer Mailings, Newsletters
5. Newspaper Articles on Employer, Industry

### **Collective Bargaining Information**

1. Bargaining Notes
2. Committee Meeting Minutes or Records
3. Information Requests/Employer Responses
4. Attendance Records for Bargaining Unit Members
5. Seniority Lists, Other Data
6. Annual Reports, IRS 1099's for Benefit Plans
7. Side Letters related to Bargaining
8. Wage Scales, Other Exhibits
9. Job Classifications, Job Descriptions

### **General Correspondence**

1. From the Local Union
2. From the Employer
3. From Benefit Plan(s)
4. From Community Organization(s)
5. Other

### **Laws and Regulations**

1. Federal, State, Provincial Laws that govern workplace or industry
2. Federal, State, Provincial Health & Safety Regulations
3. U.S. Department of Transportation (DOT) Regulations
4. Family Medical Leave Act (U.S./FMLA)
5. Americans with Disabilities Act (U.S./ADA)

## **Review Questions**

- What must Teamster stewards do with the information they collect?
- What are the elements of a good filing system?
- What are some of the items stewards should maintain on site?
- What publications are useful to hold or distribute on site?
- Some locals use computerized Grievance Tracking Systems. Others use grievance forms and summarize them by issue or date for their business agents and stewards. How do some of these systems enhance your ability to discuss the issues with management?

6. Canada Labour Code, and provincial statutes

### **Conclusion**

Information is only as good as the system you develop to organize and access it at a later date. Teamster stewards who are well-organized will be better prepared for their meetings with management or discussions with members.





# Getting Involved, Staying Involved





## Getting Involved, Staying Involved

*“Motivate your members by setting an example . . .”*

### Get Moving

While it is impossible to know everything, Teamster stewards need to stay informed on local union issues and events or industry developments that may impact your members. By getting involved and keeping current, you make an impression on your members that you care enough to make time for meetings and other activities. You also motivate your members by setting an example for involvement that they can adopt for themselves.

### What can stewards do to keep up to the minute?

- Establish and maintain regular contact with the members you represent
- Maintain regular contact with your fellow stewards, business agent, local officers and committee members
- Attend membership, craft and special meetings
- Participate in local union events and activities
- Join a local union committee
- Read *The Teamster Magazine*, *The Teamster Leader*, your local union newsletter or articles on your industry or employer
- Visit official Teamsters Union website ([www.teamster.org](http://www.teamster.org))
- Maintain regular contact with your frontline supervisor, other employer officials

*The world is full of  
willing people. Some  
willing to work, the rest  
willing to let them.*

—ROBERT FROST  
American Poet

### Get Involved Politically

1. Join DRIVE (Democrat, Republication, Independent Voter Education)
2. Staff a phone bank
3. Offer to give legislative testimony
4. Attend rallies and other union sponsored events
5. Volunteer at the polls
6. Run for political office, delegate, party chair, committees (the Teamsters have a program called, “DRIVING America’s Future” that will train Teamsters interested in running for office. Ask your local union for more information.)
7. Walk the precincts
8. Help educate members about the issues that impact Teamster members and working families
9. Participate in Lobby Day or “get out the vote” activities

### Grassroots Political Action

The more Teamster members and stewards participate, the more effective our union



becomes. You build the union from within and, later, reach out to the unorganized worker who may join because of your direct influence and involvement. Union stewards can help promote a pro-union climate by getting involved in grassroots political action programs.

**Q** Why should Teamsters get involved politically?

**A** There are so many laws that govern the workplace that working men and women need a voice in government.

**Q** What impact do Teamsters have on government policies or legislation?

**A** We can reverse some of the fallout from changes brought on by a global economy or free trade agreement. We can provide a different point of view



## Getting Involved, Staying Involved



and weigh in on things like fair trade, health care reform, energy policy, job creation, among others.

**Q Why should stewards participate in all of this?**

**A** Because stewards are the frontline leaders on the job.

### DRIVE Program

DRIVE means Democrat, Republican, Independent Voter Education. DRIVE is the Teamsters political action fund in the United States. DRIVE was set up because union dues, by law, cannot be contributed to political candidates.

Every member you represent should be asked to contribute to DRIVE. New employees should hear about DRIVE at the same time you are explaining to them what the union is and does. Some Teamster contracts provide for DRIVE contributions to be deducted automatically from the employees' paychecks when a member signs up for DRIVE check-off. For members who do not have DRIVE deduction at their worksite, DRIVE contributions must be mailed in.

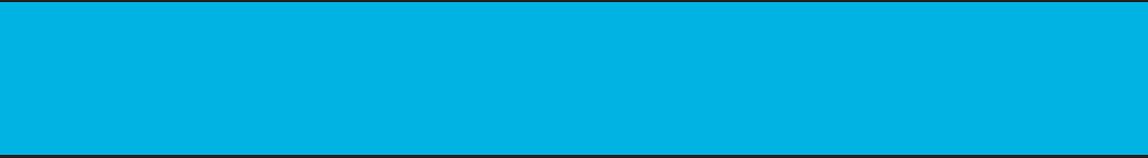
From time to time, a DRIVE representative will come to your jobsite to talk about the issues the Union promotes on a local, state, regional and national level. Listen carefully and learn more about the issues and the DRIVE program. It's our voice and it's our future. It's our chance to have a say in the political system and the way decisions are made.

Contact your chief steward, officers or agents for more information on the DRIVE program.



### Review Questions

- What are some ways stewards can stay up-to-date?
- Why stay current?
- What is the official Teamsters "URL" or website address?
- What is your local union's URL?
- What does DRIVE stand for? Why should Teamster members and stewards participate in DRIVE?





# All About Grievances





# All About Grievances

## Defining a Grievance

Although the dictionary provides a very broad definition of the term “grievance”, Teamster Stewards must turn to their specific contract for the exact definition.

Teamster collective bargaining agreements — or “contracts” — may define a grievance in several ways:

- Any dispute between the union and management over the application and/or interpretation of the agreement; or,
- Any dispute or difference arising between an employee and management or between the union and management; or,
- A violation of the contract.

You might also grieve violations of state, provincial, municipal or federal law, company rules or policies, unfair or disparate treatment of workers and “past practices”, unless your contract language prohibits you from doing so.

Contractual grievances include violations of

- the contract
- memoranda of understanding or side letters
- previous arbitration awards

Many of your grievances will relate to violations of the contract, such as disputes over interpretation of the written language of your contract or intent of the parties during negotiations. Sometimes, you will reference the article and section of the contract that you believe has been violated. Other times, you will refer to

your bargaining notes where the parties – labor and management – talked about the specific contract clause in question or spoke of their intent at the time the language was proposed or agreed upon.

## Grievances and the Law

Most Teamster contracts reiterate rights or restrictions governed by law. For example, your contract may contain language giving members rights to take leave under the Family Medical Leave Act (FMLA). Likewise, Canadian contracts often reference provincial or federal law.

Once written in the contract, legal rights may be grieved if violated. Therefore, writing the law into your contract gives you a powerful tool to redress legal issues that would otherwise have to be taken to court.

What happens if your contract does not mention or restate some of these employment laws? What if your contract is silent on these issues? Generally speaking, local, state, provincial or federal laws supersede the contract whenever the contract language violates or contradicts the rule of law. Consult your Business Agent for more information if you wish to pursue a violation of rights by law.

## Grievances Over Employer Rules and Policies

While employers are obligated to abide by the contract, they often have the right to make and implement rules related to the orderly and efficient operation of the business, so long as:

- the employer provides notice to the employees and the union;
- the rules are reasonable “on their face;” and,
- the rules are reasonably and fairly applied.

Management’s uneven or unequal enforcement or complete disregard for its own rules are common grounds for a grievance.

## Grievances About Unfair or Disparate Treatment

“Disparate treatment” occurs when two people are treated differently in the same or similar situation so as to harm or negatively affect one of them.

While the terms “disparate treatment” and “discrimination” are often used interchangeably, “discrimination” usually refers to illegal conduct by the employer on the basis of race, color, national origin, gender, age, sexual orientation, or other protected classes by law.

Unfair or “disparate treatment” is much different. It can cover a broad range of incidents and behavior. Disparate treatment includes situations where management treats someone differently because of attitude, personality, appearance, past incidents and experiences, or union activity.

While your members will bring examples of disparate treatment to your attention for resolution, they require significant documentation by the member and are sometimes difficult to prove.

**Grievance, n.** An actual or supposed circumstance regarded as just cause for protest; a complaint or protestation based on such a circumstance; a real or perceived injustice; Indignation or resentment stemming from a feeling of having been wronged.

(See American Heritage Dictionary of the English Language Third Edition, 1996)

## Past Practice Grievances

“Past practice” is a term that is often misused. Past practice refers to policies, procedures, benefits or practices that

- Occur on a regular basis over time.
- Apply consistently to the entire group affected by the practice.
- Both union and management have accepted and/or not challenged.
- Do not violate or contradict the contract or any written rule.

A past practice is, by definition  
- An implied benefit that members enjoy. The contract is either silent on the issue or unclear about the issue.

Teamster members care about these benefits and practices. Usually the members have engaged in the practices for quite some time, uninterrupted or unchallenged by management. Stewards, then, are called upon to make sure that management does not change working conditions if, indeed,



## All About Grievances

the union can assert its rights to negotiate.

Some examples of common past practices:

- Wash up time immediately before the end of a shift – time that the members use on the clock, for pay.
- Assignment of new or desired company equipment or property to the most senior employee.

A past practice grievance often arises when management unilaterally — without notice to the union — changes an established procedure or disciplines a worker for engaging in an accepted practice that management wants to eliminate.

What criteria should you apply to determine if a past practice has been unfairly eliminated? What questions should you ask to analyze whether or not management has violated the union's right to maintain a past practice?

### Uniformity

1. Was the policy or practice consistently applied over a period of time? Did a majority of workers benefit from the practice or policy?
2. Can you identify a set of workers — in a particular job classification or craft, shift or department, building or facility, etc. — who benefited from the policy or practice?

### Longevity

1. How long was the practice in place?
2. Has the practice existed through more than one contract period? The longer a practice can be established, the better it

is for the union to prove the existence of an established practice.

### Mutual Agreement or Acceptance

1. Did the union and management know that the practice was in effect?
2. Did anyone object? If the employer cannot establish that it objected to the practice or got the union to agree to eliminate the practice, the union might have a convincing argument to maintain the practice.
3. Did the issue arise during contract talks? If so, what was the union response? Did the practice remain unchanged after negotiations were completed?

### No Written Language

1. Is the contract silent on the issue?
2. Is the contract unclear on the issue?

### No Management Rights

1. Is there any language in the contract that would restrict workers from disputing management's attempts to eliminate past practices?
2. Does management have the right to change working conditions at will without consulting or notifying the union?
3. What is management's obligation to bargain on this particular issue? Sometimes the labor board will require that management negotiate with the union on certain items. Check with your local attorney to see if this issue violates labor law.



Past practices are often difficult to establish, prove and win back, once eliminated. In bargaining, management often brings forward proposals designed to eliminate past practices.

To be successful, stewards need to assemble a great deal of personal testimony and other evidence to support past practice grievances. Assembling a chronology of the practice along with adequate proof, including membership statements, will help your chances of success in grieving a past practice violation.

Caution: employer gifts such as a Christmas bonus or a Thanksgiving turkey are often considered “gratuities,” not past practices, if it can be established that they do not constitute workplace earnings. Management’s right to direct its work force and change operating procedures (if it does not conflict with contract language) has also been upheld in some arbitrations. Lax enforcement of a rule does not create an enforceable past practice. Finally, even if a past practice meets

all of the criteria listed above, an arbitrator still may refuse to uphold the grievance. Check with your Business Agent to see whether or not you can dispute management’s attempt to eliminate a practice on your job.

## Discipline Grievances: Just Cause

In nearly all Teamster contracts, an employee can only be disciplined or discharged for what is termed “just cause.” Determining whether or not an employer has applied “just and sufficient cause” for taking action against one of our members can be a very complicated matter.

Only if you can answer most of these questions affirmatively has the employer met its obligation to take action for cause:

- Was a rule or order established?
- Was the rule or order reasonable?
- Was there adequate notice to the employee about the rule or order?



## All About Grievances

- Was there an investigation? Was it proper?
- Did the investigation produce sufficient evidence or proof?
- Was a penalty imposed? Was it fair and reasonable? Did the penalty befit the offense or was it too harsh?

### What is progressive discipline?

Progressive discipline refers to gradual discipline imposed by management when it claims workers have violated work rules or employer practices. Progressive discipline adds an element of fairness to the process and is supposed to ensure that management's conduct is reasonably related to the seriousness of the offense.

Progressive discipline usually moves in

the following manner:

- Oral warning
- Written warning
- Suspension
- Discharge

### What Are "Cardinal Sins?"

Some Teamster contracts establish offenses that are so serious, they are called "cardinal sins." In effect listing cardinal sins in the collective bargaining agreement often releases the employer from its obligations to impose discipline for just and sufficient cause or in a progressive, increasingly severe manner.

Examples of "cardinal sins" include:

- Possession, distribution of drugs,

## Six W's of Grievance Handling:

### 1. Who

Who is involved? This might include the member's full name, employee number, department, job classification, pay rate, shift and seniority date(s) or other information for all involved.

### 2. When

When did it occur? Try to identify the specific date, time or shift an incident took place. Or, you might want to establish a chronology of events.

### 3. Where

Where did it occur? The exact location where the incident occurred, on or off employer premises.

### 4. Why

Why is this a grievance? Contract language, work rules, policies or procedures, or laws that were violated.

### 5. What

What kind of settlement do we want? What does the grievant want? What is needed to restore the worker to the same position if the injustice had not occurred? For example, if an employee was discharged, the demands for settlement may be reinstatement with back pay and benefits.

### 6. Witnesses

Were there any witnesses? Reach out to the individuals who may have seen or heard what took place.

alcohol on employer premises

- Fighting on the job or engaging in acts of violence
- Destruction of employer property
- Theft

While unions take serious steps to limit the number of “cardinal sins” that are listed in the collective bargaining agreement, oftentimes unions will agree to some of this language since labor boards have already ruled that some offenses are so serious they warrant immediate action.

Stewards need to educate members on what they can and cannot do under the contract. Stewards need to be mindful that any action taken against the members should be properly investigated and that the penalty is not too severe if action was warranted.

Hopefully, you will never have to defend a member against unfair treatment. But, if you do, make sure that you listen to the facts, investigate, get both sides of the story, evaluate what action was taken and appeal the case to management if, indeed, the contract was violated or progressive discipline was not applied.

## Insubordination

Sometimes workers get accused by management of failing to obey a direct order. This is typically referred to as “insubordination.” Stewards need to make sure that members understand that in some instances they can draw discipline for refusing an order or request by management.

Stewards need to educate members on

their rights on the job. Members need to consult with their stewards when they believe their rights have been violated. Sometimes members will want to file a grievance over an order they followed at the time and, later, determined was a violation of their rights under contract. Stewards need to be very careful in these situations that the time limits have not expired to protest a rule or order that was followed or given.

## Grievance Investigation

There are many ways to investigate and handle workplace problems. Listening and taking notes throughout the process is one of the most important things a steward can do.

## Keys to Good Listening

Stop what you are doing. Try to find a place where you can talk with the member without being interrupted. If you are not able to get released from your workstation, agree to meet the member at a later time to find out what happened or what questions the member has.

Ask open-ended questions to elicit a description of events, rather than asking for “yes” and “no” responses.

Let the member know you’re listening. Ask questions to get more details. Don’t interrupt or cut the member off. Be respectful and patient.

Repeat back the information with the member to make sure you understand what’s been said. Have the member clarify issues or events that aren’t so clear.



## All About Grievances



Take notes. Review the notes with the member.

### Getting the Facts

While most information will originate with the grievant, there are other people you may want to interview. Get the full picture by talking to:

- The Grievant
- Co-workers
- Witnesses to events
- Other union representatives and officers
- Supervisors, customers

It is usually best to get management's side before you set up a formal meeting with the front line supervisor or manager. Hearing both sides gives you insight into management's reasoning in the case or what proof exists, if any.

### Records to Review

Look at the records before you meet with management. What kinds of records?

- Grievance files, previous arbitration

decisions.

- Contract and any supplemental agreements.
- Company rulebooks and work rules.
- Seniority, job classification and payroll lists.
- Personnel, production, medical records or files, attendance records.

### Fact Sheets on Workplace Issues

Organizing the information you collect on a Fact Sheet will help you better manage the information you collect. (See sample Fact Sheet and other forms in the Appendix.)

Fact sheets help you organize:

- chronology of events
- list of individuals who were involved
- results of interviews you conducted
- proof or evidence that exists or supports your case

- picture of what took place or what contract language was violated.

Fact Sheets are for your information only. They should never be turned over to management during the grievance process. Fact Sheets help you organize what often becomes a lengthy record.

Keep all Fact Sheets and any other records on members' workplace problems in a secure and convenient location—in a file folder, notebook or centrally located file cabinet or drawer. This information along with records collected by other stewards should be organized in a way that it will be useful and accessible in the future.

Often the difference between winning and losing may depend on the quality of the investigation, the records that support the case and the union's ability to evaluate it properly. Organizing the information will help you succeed. Fact Sheets are useful tools to help you summarize what you learn.

### **Gathering Evidence**

As you investigate and collect information, remember the following rules of evidence.

1. Opinions are not facts. Make sure the member has told you in specific terms what happened, rather than his or her opinions, feelings or impressions of what

## **INVESTIGATION CHECKLIST**

Nothing substitutes for a thorough and proper investigation of the facts. This checklist will assist you in completing a good grievance investigation.

- Interview grievant. Listen carefully to his/her story.
- Have grievant write his/her rebuttal to discipline (if appropriate.)
- Interview grievant's co-workers.
- Interview witnesses and management. Get the 6 W's. Get a written, signed statement from witnesses.
- Keep dated written records of all interviews.
- Request a copy of the personnel file (if disciplinary grievance).
- Request any other management records needed (personnel policies, payroll records, seniority list, attendance records, etc.)
- Determine if the problem affects others in the workplace.
- Determine if filing a grievance is the best strategy for solving the problem.
- Check previous grievance settlements for precedents.
- Check the experience of other stewards in similar cases.
- Seek advice, if needed, from Chief Steward or Business Agent.
- Review the case with the grievant.
- Anticipate and prepare for management's arguments.
- Outline your presentation in writing.
- Inform other workers about the issue and organize support activities for the grievance, if appropriate or if it's a group grievance.



## All About Grievances



happened.

2. Hearsay evidence is not factual. Search for original sources and witnesses. Try to find someone who knows something about the grievance first-hand. Rumors that cannot be verified convince no one. Rumors do little to help you “win” your point with management or later, an arbitrator.
3. Facts must be relevant. Secondary issues are interesting but spend more time gathering information that directly relates to the primary issue in the case.

### Should We Grieve?

Now that you have the information you need evaluate all the information carefully. It may be time to make a decision and plan a course of action.

If after your investigation you decide there is no basis for filing a grievance, discuss the problem with the grievant.

Even though you may not believe a formal grievance can be filed, there may be other solutions to the problem. You may still be able to raise the issue with management as a discussion point rather than a grievance.

If you decide there are sufficient grounds to file a grievance, make sure you file within the time limits described in the contract.

### Conclusion

The role of the steward in the grievance process is critical. Stewards must know the contract and be aware of what can and cannot be brought before management. Stewards must investigate issues, problems and concerns carefully so that they are well prepared to advise the member or confront management.

Stewards are advised to take notes and use a Fact Sheet to help organize the information collected during the investigation stage of the process. Use a check-

## Review Questions

- What is the definition of a “grievance?”
- What is meant by the term “just cause?”
- Explain what progressive discipline means?
- What is a “cardinal sin?”
- What is the first thing a steward must do when the member approaches him or her with a problem?
- What are the Six W’s?
- What is a Fact Sheet? How can the steward use the Fact Sheet and Investigation Checklist in meetings with management?
- If a grievance is not resolved informally, what happens next?







# The Formal Grievance Procedure





# The Formal Grievance Procedure

## Introduction

The primary vehicle to enforce most contracts and protect the rights of workers in the workplace is called “the grievance procedure.” The grievance procedure represents a system of justice on the job where workers and their stewards can appeal management’s decisions.

*How long have I’ve been working here? Ever since they threatened to fire me.*

—ANONYMOUS

Yet, having access to a grievance procedure does not mean that justice is obtained easily. Sometimes management delays getting back to stewards to embarrass the union or lets grievances pile up unresolved. Sometimes, members have legitimate issues but lack the proof they need to put management on notice or to press their claim. Some issues cannot be grieved because the contract does not allow those particular issues to be appealed through the grievance procedure. Consequently, we have to look at other ways to address members’ problems in addition to filing grievances.

It is up to the union to figure out the most effective way to respond to any problem or claim — but the goal must always be to give management incentives to resolve the issue peacefully or informally, if possible, or at the lowest possible step. The grievance procedure helps the steward

engage in this dialogue and problem solving process.

While there are no prescriptions for how to handle every problem, this chapter will help you understand the grievance procedure and learn what steps to take when a member comes to you with a problem.

## How Does the Grievance Procedure Work?

Every Teamster contract is different. That is why stewards must know how their contract defines a grievance and what may be filed through the procedure. In general, there are four (4) steps that must be taken in a grievance procedure. These steps constitute the formal appeals process. Each step involves different levels of authority within the union and within the employer’s management structure.

Each step may have different requirements or timeframes that apply to holding a grievance meeting or responding to the union. Also, most grievance procedures end in some kind of final step like arbitration, which is a process that provides the parties with a final and binding decision on the grievance.

## Let’s examine the steps of the grievance procedure...

### Step 1

The steward and the grievant meet with the front line supervisor to resolve the grievance informally.



## Step 2

If there is no settlement at Step 1 the grievance is written and filed, another representative of the union — usually the Business Agent — joins the steward and grievant to press upper management and resolve the grievance.

## Step 3

Some Teamster contracts provide for an additional meeting between the union and upper management. Other contracts provide for a Grievance Panel or Systems Board of Adjustment, composed of equal numbers of union and management officials, who consider or decide the case.

## Step 4

The parties refer the dispute to a third party — called an arbitrator — who issues a final and binding decision on the matter.

This is what a typical grievance procedure looks like, though you will want to consult your contract to see what procedure governs your workplace.

## Before you grieve. . .

### Take Informal Steps

The steward should try to resolve the issue informally, at the lowest possible step. In other words, see if your member and management can agree to settle the matter before it is formally grieved or reduced to writing.

If you cannot reach agreement, you may move the matter into the grievance procedure and schedule a “first step” meeting between the union and management.

## If you cannot reach a decision...

### Schedule First Step Meeting

The first step meeting is usually scheduled by the union steward to give the parties, labor and management, an opportunity to discuss the matter formally, usually on the record. The first step meeting typically involves the steward, the member and front line supervisor.

The steward should schedule this meeting. Before the meeting takes place,



## The Formal Grievance Procedure

the steward should brief the member on the purpose of the meeting and ways the member can prepare for the meeting. Once the meeting takes place, the steward does most of the talking and the member is there to clarify the facts as needed.

It is important for the steward to focus on achieving an appropriate remedy to the problem. While the union and management will likely take different positions at this meeting, the steward has to keep focused on what it is he or she is trying to achieve for the member. Stewards should outline their presentations, take notes and ask management for clarification or more information. No remedy should be agreed

upon until such time as the steward can consult with the grievant (or Business Agent) on whether or not management has posed an adequate remedy.

First step meetings are often contentious. That is why Teamster stewards need to keep the discussion on track. A formal agenda will help you guide discussion and keep things focused. Sometimes management wants to sidetrack the issue or distract the grievant with some difficult or embarrassing questions. At these times, it is important for the steward to get the discussion re-focused on what matters, caucus to consult with the grievant or reschedule when the parties have had a chance to “cool down.”



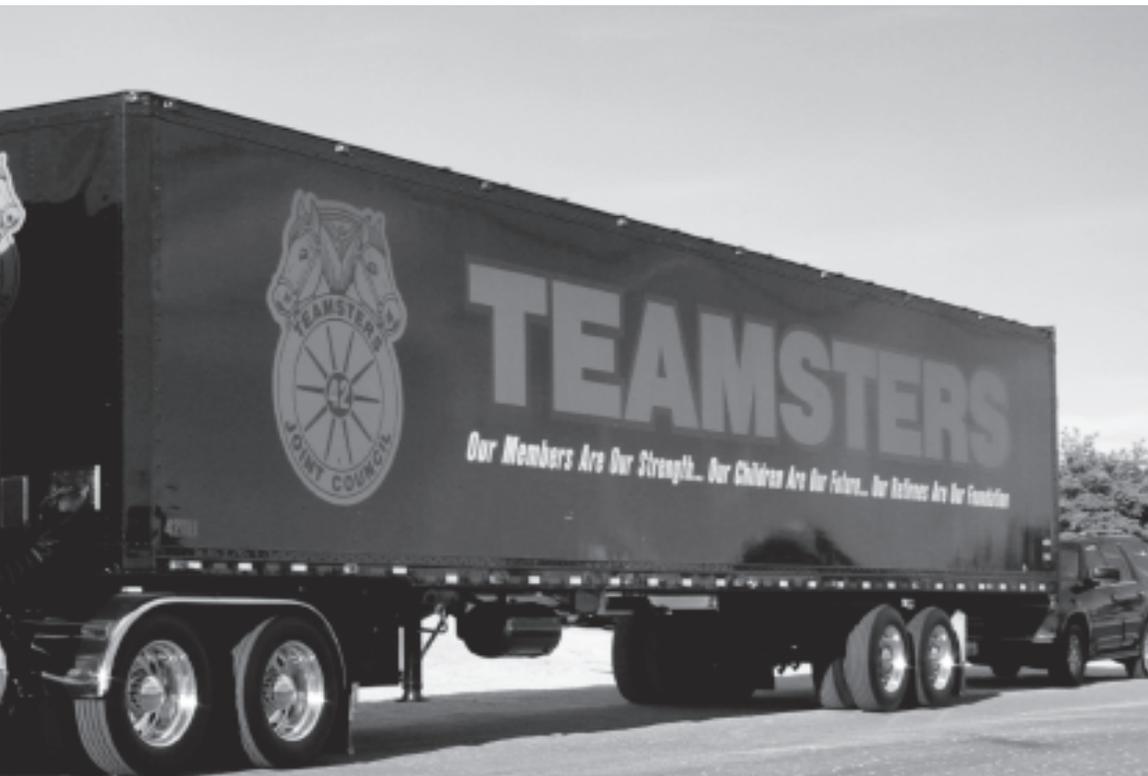
## Writing the Grievance

In the event that you cannot resolve the issue informally with management, you will need to file a formal, written grievance. Here are some tips for completing a grievance form:

1. Limit statements to the basic facts. The purpose of the written grievance is to trigger the formal steps of the grievance process and notify the employer of the basic facts, alleged violation and the requested remedy.
2. Leave out arguments, evidence and justifications. Arguing the merits of the case is reserved for face-to-face meetings with the employer. Disclosing this

information in the written grievance could give the employer an edge in preparing its response to the union.

3. If required, refer to all contract violations. Include all contract provisions that may be applicable to this particular grievance. You want to indicate which contract Articles have been violated along with some general language that allows you to point to other language in the contract that applies.  
*Example:* “(What was violated?) and all other articles that apply...”
4. State the union’s position. In clear terms, express how the employer violated the contract.





## The Formal Grievance Procedure

*Example:* Employer suspended grievant without just and sufficient cause.

5. State a full, possible remedy. The purpose of the grievance procedure is to “make the grievant whole.” That is, to undo the harm that’s been done, and to restore the position or standing of the grievant. Remember, since you get what you ask for and nothing more, make sure you include a full remedy.
6. Consult with the grievant. Review the written grievance with the member. Explain what remedy the union may seek.
7. Have the grievant sign the grievance form. This guarantees that the grievant has seen and read the grievance and provides legal protection for the union when determining the final settlement of the grievance. The exception is that if the grievance does not concern discipline, the steward may sign a grievance on behalf of the union if the steward believes the group as a whole has been harmed.

### Presenting or Settling the Grievance

Once you have fully investigated the case and decided it should be grieved, prepare yourself and the grievant to give the best possible presentation to management. Your goal is to solve the problem at the lowest step of the grievance process. Careful preparation will make this more likely.

Decide what role the steward and the grievant will play in the grievance meeting. You will want to brief the grievant on

what to expect prior to meeting with management. If you and the grievant are well prepared, you may be able to resolve the grievance at Step One of the grievance procedure. At a minimum, your preparation should ensure a reasonable discussion rather than one you “make up” as you go along. Remember, the goal of any discussion is to gain an agreement both sides can live with. The handling and documentation at this step can have significant impact on an eventual arbitration.

How do we persuade management? How do we conduct ourselves in a grievance meeting? Here are some things to keep in mind:

- Outline your presentation
- Prepare an agenda, notes
- Brief member before meeting
- Stay on track
- Be professional
- Don’t argue—ask questions
- Justify your position with good examples, evidence or proof
- Keep you member focused, on track
- Ask lots of questions about management’s position, reasoning
- Present a fair remedy, justify the remedy
- Cite the contract
- Take a break or “caucus” if needed to consult with the grievant
- Take notes

**It’s your meeting, take charge!**

### Going to Arbitration

When talks break down, the union may

take the matter before an arbitrator. An arbitrator is a third party, presumed neutral and may be secured by the parties to hear a case and render a decision.

The grievance procedure in your contract will usually specify how the arbitrator is chosen. Some contracts provide for a standing (or permanent) arbitrator. Usually, the parties will request a list of potential arbitrators from the American Arbitration Association, the Federal Mediation and Conciliation Service or another mediation agency in your state or province.

## The Arbitration Hearing

An arbitration hearing is usually held off-site. The parties convene in a conference room and sit on opposite sides of a table, with the arbitrator presiding. Sometimes a court reporter takes notes at the hearing and prepares a transcript for the parties. While arbitration is a formal process, it is a less formal proceeding than, say, a court of law. The rules of evidence are somewhat relaxed and grievants are given greater opportunity to tell their story than they could before a formal court.

Regardless of how formal or informal the proceeding, stewards should counsel their grievant and witnesses to conduct themselves in a respectful fashion, giving greater reason for the arbitrator to rule in the union's favor.

**The arbitrator is like judge and jury. The arbitrator can render final and binding decisions.**

In discipline cases, the burden of proof is on the employer. In contract interpreta-

tion grievances, the burden of proof is almost always on the union. As the case proceeds, the burden shifts. The arbitrator usually rules in favor of the party who has sufficiently met the burden to prove the case.

## The Time and Cost of Arbitration

The contract will usually state how many days the union has to request arbitration and may further specify a time limit on how long the parties have to choose an arbitrator and schedule the hearing. Some contracts mandate that the arbitrator make a decision within a certain number of days, though this is difficult to enforce.

Arbitration is quite costly. The outcome of arbitration is never quite ensured. Consequently, the union explores settlement options throughout the process. Sometimes, grievances are dropped at the third step of the grievance procedure if the union believes it lacks credible witnesses or sufficient proof to win before an arbitrator.

## Appealing Arbitration Decisions

Arbitration decisions are final and binding. It is extremely difficult to have an arbitrator's decision overturned. The courts are reluctant to review an arbitration decision and will do so only on procedural grounds such as fraud, arbitrator misconduct, hearings ending before the losing party presented its case, if the arbitrator exceeded his or her authority under the contract or if the union violated its duty of fair representation. On the other hand the courts will enforce an arbitrator's ruling if the losing party fails to comply



## The Formal Grievance Procedure



with the decision.

### Decision to Arbitrate

Does a member have the right to press a grievance to arbitration? Who makes the decision to arbitrate? Stewards need to keep in mind:

- A member does not have a legal right to insist that his/her grievance go to arbitration. Still, the union does all it can to represent the interests of this member, including taking the grievance as far as it can to resolve it with management.
  - The decision to arbitrate a grievance is usually made on the merits of the grievance. The union takes into consideration the facts of the grievance, the past success or failure in arbitrating similar grievances, how the grievance impacts the unit or contract overall, among other factors. The union
- reviews witness statements, supporting documentation and other evidence to see whether or not the grievance can be arbitrated successfully.
  - Sometimes the bylaws or history of a local union provides for a grievance screening committee that examines all cases and decides which ones the union will forward to arbitration. Of course, these committees work more effectively when the grievant, steward and Business Agent are involved in the process.
  - The local union usually provides the grievant with written notice of the date, time and location of the arbitration hearing. The grievant is usually invited to be present at the hearing. The steward is often present at the hearing.
  - If a decision is made not to take a

grievance to arbitration, the steward and member are usually apprised of the reasons for this, verbally and, sometimes, in writing.

- The local meets or confers with the grievant and witnesses in advance of the hearing to review what will take place and clarify outstanding issues. The local takes final steps to make sure it has all the information it needs that is relevant to the case, including information that was requested of the employer.
- It is not required that the union employ counsel at the hearing. In fact, many arbitrations are held without legal counsel present.
- The grievant does not have a legal right to have his/her own attorney represent him/her at the arbitration hearing. However, the union may permit an attorney to be an observer or to take an active role at the hearing.

## Conclusion

The grievance procedure represents the justice system in the work setting. It allows union members to appeal what they believe to be violations of the contract or unjust conduct by management.

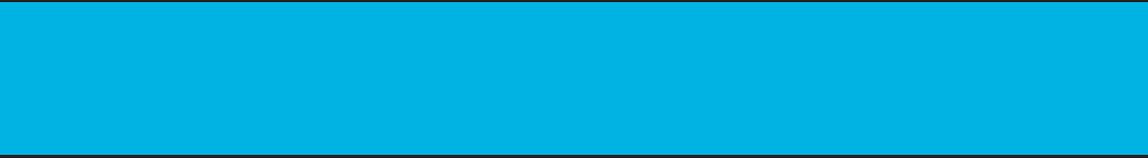
Stewards play a critical role in this process. Stewards field questions, concerns and potential grievances, investigate the facts, talk to witnesses and bring the issues before management in informal and formal meetings. If the grievance cannot be resolved, it is typically taken up at a higher level or “step” in the process. Your contract

should describe the structure of the grievance procedure in your case.

Arbitration is usually the last step in most grievance procedures. Arbitrators issue final and binding decisions. Arbitration decisions are rarely, if ever, overturned and then, only then, for procedural reasons.

## Review Questions

- What is the role of the grievance procedure? Why have one?
- What are some of the advantages of the process? What are some of its disadvantages?
- In writing up a grievance, what information should you include?
- How should the steward conduct the first step meeting? What is the role of the member in this meeting?
- What issues can a steward process through the grievance procedure?
- Does a member have a right to press his or her grievance to arbitration? Why or why not?
- What happens if you don't like the arbitrator's decision? Can you appeal? Under what conditions?





# Know Your Rights





# Know Your Rights

*Injustice anywhere is a threat to justice everywhere.  
We are caught in an inescapable network of mutuality,  
tied in a single garment of destiny. Whatever  
affects one directly, affects all indirectly.*

—REV. DR. MARTIN LUTHER KING, JR.

## Introduction

Stewards have the right to engage in union activity. The contract sometimes restricts the number of stewards or the extent to which they can engage in union activity on the employer's time. Stewards enjoy certain protections afforded by labor law, like access to information, the right to engage management in a discussion of workplace issues and concerns, and the right to operate as a steward free from supervisory harassment.

Likewise, members have rights, too. They have the right to the protection of the contract. They have the right to a union steward in an investigatory meeting. They have the right to join the union and associate with union members or engage in union activities. The contract may restrict their right to engage in union activity on employer time.

Let's review some of the rights and limitations provided by labor law. Most of the rights described below apply to the private sector. Similar rights may apply to public sector workers, those working in the airline industry, and workers in Canada. Check with your local union for further information on what you can and

cannot do as a union member or steward, and other rights afforded you by law.

## Right To Engage in Union Activity

When meeting with management to perform his or her union duties, the steward is afforded the full protections of the National Labor Relations Act. (Note: All stewards are advised to review their contracts and consult with local leaders to see if there are any limitations on their rights to engage in union activity. For example, some collective bargaining agreements limit the time during which a steward can perform union duties.)

For example, stewards and other union representatives cannot be punished or discriminated against because of their union activity, for filing grievances, conducting union business at the appropriate time described in the contract, or raising workplace issues with members of management. They cannot be punished for serving on a bargaining committee or distributing union literature at the appropriate time, if limited by contract.

- Management cannot retaliate against union stewards because of their union



activity. Supervisors may not:

- Supervise a steward more closely than other workers
- Assign the steward more difficult work or work in a remote location with the intention of punishing or isolating that steward
- Deny the steward pay increases or promotional opportunities
- Deny the steward overtime
- Enforce work rules more strictly against the Teamster steward

If management is found to engage in any of the above activities, or in similar kinds of actions that intend to punish stewards for union activity, you should contact your Business Agent immediately. You may decide to file a grievance or, in recurring or serious situations, a charge with the labor board.

## Access to Employer Information

Under the National Labor Relations Act (NLRA), unions have the right to request

and receive information from the employer that is relevant to processing grievances and negotiating contracts. The employer, as part of its legal duty to bargain in good faith, is obligated to provide information to the union upon request. (Note: other collective bargaining laws extend similar rights to information.)

Undue Delays or Refusals. Sometimes the employer refuses to share information with the union or may unreasonably delay turning over the information to the steward. In any event, the steward may want to file a new grievance alleging failure by the employer to furnish information “necessary to effectuate the grievance procedure.” In other words, the information the union seeks is “relevant and reasonably necessary to the Union’s performance” as the exclusive collective bargaining representative of the employees.

A favorable arbitration ruling on such a grievance may establish a new shop rule under the collective bargaining agreement that can be enforced in the future. Or, an



## Know Your Rights

employer's refusal to furnish information for a grievance hearing may be used at an arbitration to establish a presumption of guilt against the employer. In the event that the local union wishes to file an unfair labor practice charge with the labor board, taking the above steps are useful in getting a favorable ruling against employers who engage in unreasonable or unscrupulous tactics.

Stewards need to know that there are some restrictions on this requirement to provide information to the union. They are:

- The union must request the information.
- The information requested must be relevant to an actual or suspected grievance.
- No alternative means for obtaining the information is available.
- There are cases where an employer may not be required to provide information to the union, even though the information requested may be relevant. These situations arise when other interests override the union's need for information. They include: privacy issues (i.e. test scores, medical records) and business interests or confidentiality issues (i.e. trade secrets).
- The request for information need not be in written form. However, it is advisable to make the request in writing to document the date of the request.
- The employer must provide the requested information to the union in

a "timely manner." What is considered "timely" depends on each situation. If the union believes that an employer is untimely, it may want to file another grievance on this particular issue.

- The employer will be required to comply with the union's request—so long as the information is in its possession and compliance with the request does not create an undue burden on the employer.
- The information must be provided in a useful form.
- The request for information must be specific and related to the grievance. The union cannot go on a "fishing expedition."

### Information You Can Request From The Employer

- accident records
- job descriptions
- attendance records
- material records
- bargaining notes
- payroll records
- company memos
- performance reviews
- contracts
- personnel files
- correspondence
- photographs
- disciplinary records
- reports and studies
- equipment specifications

- salary and bonus records
- evaluations
- seniority lists
- inspection records
- supervisors' notes
- insurance policies
- time study records
- interview notes
- training manuals
- job assignment records
- videotapes

You may also be able to secure records on chemical hazards, employee training, production standards, subcontractors, among others. You may also consider requesting information related to custody of information or chain of command.

### “Weingarten Rights”

The U.S. Supreme Court’s 1975 decision in the Weingarten case held that if the employer requires an employee to submit to an investigatory interview and denies the employee’s request for union representation, then the employer is in violation of the National Labor Relations Act.

Oftentimes, stewards must evaluate whether or not a member’s Weingarten Rights were violated. Consider the following requirements:

- Union members have the right to a union representative at an investigatory hearing if they reasonably believe that the investigation could lead to disciplinary action.
- The member must request a representative; the employer has no obligation





## Know Your Rights

to inform the employee of that right.

- Management does not have to call the representative. Instead, the employer can stop the meeting or just issue the discipline.
- Once a union representative is called, he/she has the right: (1) to know the subject of the investigatory hearing; (2) to confer with the member prior to the hearing; and, (3) to speak and participate in the hearing. However, the representative cannot argue the case since this is not a grievance hearing.
- An employee does not have the right to select the representative of his or her choice. For example, the department steward will be called, if available. The nearest available representative will be called if the department steward is unavailable.
  1. If the employer is responsible for the representative not being available, then the supervisor must end the meeting until the representative is available;
  2. If the union is responsible for the representative not being available, then another representative or employee can be called in, unless the supervisor chooses to postpone the meeting.
  3. The member can ask for a witness if no steward is available.

### The Duty of Fair Representation

The union, through certification or recognition, is established as the “exclusive” bargaining representative for all employees in the bargaining unit. The union must fairly

represent all employees in the unit, both members and non-members alike. The legal term for this is the “duty of fair representation.”

Addressing the members’ questions, concerns, issues and grievances in a timely manner represents one way that the Teamster steward can uphold his or her duty to fairly represent the members.

The following guidelines will assist you in processing grievances and upholding your duty to represent your members:

- Consider all grievances solely on their merits. The decision whether or not to process a grievance must be based on the merits of the particular grievance. This means that you must look at the facts underlying the grievance to determine whether a violation has occurred, and if so, whether to pursue it through the grievance procedure.
- You may not refuse to process a grievance because you do not like the grievant. Your determination cannot be based on personality, politics or how you feel about someone, positively or negatively. Enforcement of the contract is your primary concern.
- Investigate the grievance thoroughly. A superficial investigation may not uncover all the facts. Interview the grievant. Locate and interview witnesses. Follow up on all leads. Be sure to get the grievant’s complete account of what happened in, say, a discipline case and talk to the witnesses suggested by the grievant. Make every attempt to verify what has been said by both the

grievant and witnesses. Remember, you have a responsibility to investigate a grievance before you decide whether it has any merit.

- Process the grievance promptly and do not miss time limits for filing and appealing grievances. You must file and appeal grievances within the time limits established by the grievance procedure in your contract. Failure to comply with the negotiated time limits could leave the grievant with no recourse against management. If you need more time to investigate, file the grievance so as not to miss the time limits. An investigation does not have to be completed before a

grievance is filed.

- Take notes and keep written records. Begin to take notes as soon as practical. Don't rely on your memory. Keep a record of all discussions with the grievant and the employer about the grievance. Keep a copy of all correspondence and documents relating to the grievance. Your written record establishes that the union investigated the grievance and made an objective decision on the merits.
- Keep the grievant informed. The grievant should be kept informed of the status of his/her grievance, where it is in the grievance process, and any man-





## Know Your Rights



agement responses. Any union decision on the grievance should immediately be communicated to the grievant, preferably in writing. This includes decisions not to file a grievance, to drop, withdraw or settle a grievance, or not to go to arbitration on a grievance.

- Treat all members of the bargaining unit the same. It is unlawful to refuse to process, or to give superficial treatment to, the grievance of a person who is not a member of the union. Likewise, grievants who have been political opponents of the steward or current administration must be treated the same as all other bargaining unit members.
- Non-discrimination. The union cannot discriminate against grievants because of their race, gender, age, or ethnic background.
- Have a valid reason for any action taken on a grievance. The law requires a union to consider a grievance in

good faith and to make a determination to process the grievance on its merits. Don't let the time limits expire before making a decision. Make a determination whether and how far to process a grievance on the basis of the investigation of the grievance, past success or failure in arbitrating similar grievances, and the importance of the grievance to the entire membership. Document this decision in writing.

- If the grievance clearly lacks merit and cannot be won at the lower steps or in arbitration, drop it. The grievant should be informed of the decision and the union should make a written record of the objective reasons why it declined to file or dropped the grievance.
- The settlement of grievances. A union has a right to settle grievances as it sees fit. Again, there should be a written record made of the settlement itself and the reason(s) why the settlement was made. Of course, when a grievance

is settled, the grievant should be promptly informed.

## OVERVIEW OF LABOR LAW

Stewards are not expected to be lawyers, but knowledge of labor law is essential to your work. The major activities of the union—bargaining, organizing, servicing and political action—have numerous legal precedents and restrictions governing them.

You should have a general idea of what laws govern your activity and that of other stewards and members, on the job, in your community, on a picket line or at a public hearing. You should work closely with your Business Agent, principal officer and local counsel if a legal determination must be made on a workplace issue.

Remember, laws vary and those of you in the public sector or Canada, those who work for a federal employer or in the airline, air cargo, or rail industry should consult your Business Agent for more information on your rights and limitations by law.

### Collective Bargaining Laws Canadian Labour Code, Provincial Statutes

Teamsters in Canada are governed both by federal and provincial statute. Canadian labour relations legislation had its beginnings in the early part of the 20th century when conciliation was required before strike action during a labour dispute. After 1935, Canadian legislatures also guaranteed the right of employees to engage in collective bargaining and select bargaining agents.

Employers were required to bargain in

good faith and faced unfair labour practice charges if they did not comply. A post-war legislative effort eventually produced the Canada Labour Code, which governs collective bargaining throughout Canada. Employment standards and human rights legislation on issues of pay and equity also exist to protect workers. Workers have the right to refuse hazardous work in most jurisdictions.

Rights and protections for union representatives and their members vary province by province. Check with your Business Agent for more information on labour law and legislation in Canada.

### Railway Labor Act of 1926

This was the first law Congress enacted to give workers collective bargaining rights. In this case, railway employers were required to bargain collectively and employees were guaranteed the right to select their representatives. Employees gained rights to engage in union activity without fear of reprisal. The National Mediation Board (NMB) was established to handle disputes involving representation, bargaining units and contract terms. If mediation failed, voluntary arbitration was provided for. An emergency disputes procedure was also provided. Recommendations from the emergency board were not binding. Airlines and airline employees were later covered by the Act's provisions.

### Norris-LaGuardia Act of 1932

Congress restricted the power of the Federal courts to issue injunctions in labor



## Know Your Rights

disputes and, therefore, gave unions greater freedom to apply economic pressure against employers. Unions could now use the boycott, strike and picket line against employers with less fear of intervention by the courts. This restriction on the use of injunctions did not apply to state courts. Subsequently, about one-third of the states enacted similar laws limiting the use of injunctions in labor disputes.

However, Norris-LaGuardia does not bar an injunction against a strike in violation of a no-strike clause in a contract. Also, under the Taft-Hartley Act, the NLRB can seek injunctions against strikes, picketing and boycotts in some situations.

### **National Labor Relations Act (NLRA or “Wagner Act”)**

In 1935, the U.S. Congress enacted a law guaranteeing workers the right to bargain collectively through representatives of their own choosing and “to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection.” The law placed restrictions on employer opposition to unions and enumerated employer “unfair labor practices.” The National Labor Relations Board was created under the Act to: 1) investigate complaints of unfair practices, and 2) to supervise elections to determine whether a majority of the workers desired union representation.

This Act outlawed the formation of company unions. Employers could not fire or otherwise penalize employees for union activity, force employees to sign “yellow dog” contracts, hire labor spies or

circulate blacklists.

The Wagner Act was amended in 1947 by the Labor Management Relations Act (LMRA or “Taft-Hartley”) These 1947 amendments, in an effort to weaken unions, outlawed the closed shop, jurisdictional strikes and the secondary boycott, and established other union “unfair labor practices.” Taft-Hartley also contained section 14(b) permitting states to pass “right-to-work” laws denying unions and employers the right to negotiate union shop agreements.

### **Labor Management Reporting and Disclosure Act of 1959 (LMRDA or “Landrum-Griffin”)**

While Taft-Hartley restricted the power of unions to organize, bargain with employers and seek help from sympathetic trade union brothers and sisters during a strike, it did not regulate the internal affairs of unions.

The Labor Management Reporting and Disclosure Act (LMRDA) saw Congress regulate the day-to-day affairs of unions. This law includes a so-called “Bill of Rights” to protect union members. However, the rights set forth were already provided by most union constitutions. It covers such things as the right to nominate candidates, vote, attend union meetings, procedures for increasing dues and assessments, the right to a copy of the collective bargaining agreement. Specific procedures on conducting elections are spelled out.

The law established a system of reporting the financial affairs of unions and union officers. It also established regula-



tions governing union investments and use of union funds. The last section of this law amended the Taft-Hartley Act and further restricted secondary boycotts, “hot-cargo” clauses and some types of picketing.

### **Labor Management Relations in Federal, State and Local Service**

The machinery for collective bargaining for federal government employees was established by Executive Order and issued by President Kennedy in 1962. President Nixon revised this Executive Order in 1969 and President Ford in 1975. The Civil Service Reform Act was passed under the Carter Administration which codified organizing and bargaining rights for federal employees. Therefore, federal agencies have the responsibility to recognize and bargain collectively with unions represent-

ing their employees.

Many states have adopted some form of legislation covering labor-management relations. More than 25 states have comprehensive collective bargaining laws covering public employees.

### **Postal Reorganization Act of 1970**

This act contains a system of collective bargaining for postal employees comparable to what may be found in the private sector. It placed the U.S. Postal Service under the jurisdiction of the NLRB to determine employee representation issues and provided that labor relations be governed by LMRA. It provides for settling negotiation impasses and grievances through fact-finding procedures, and final and binding arbitration outside of government control. Postal employees are still



## Know Your Rights



forbidden to strike and may not be compelled to join a union.

### **Fair Labor Standards Act (FLSA)**

A federal law fixing a statutory minimum wage and maximum hours for workers engaged in interstate commerce was enacted in 1938. The new law applied to men as well as women and minors and provided that employers covered by the act must pay time and one half for overtime. The original act in 1938 provided a minimum wage of 25 cents an hour and a maximum workweek of 44 hours, gradually declining to 40 hours.

The act has been amended periodically to increase the hourly minimum and extend its protection to workers in industries previously excluded from the act. Please note: many truck drivers, loaders and other related crafts are exempted from various sections of the FLSA by the Motor Carrier Act of 1935.

The act also requires that hours worked over 40 in most industries be paid

at time-and-a-half. Children under age 18 may not work in hazardous employment, and children under 16 are limited in the number of hours that they can work, as well as restricted from working in manufacturing, mining and most construction.

### **Equal Pay for Equal Work**

A long-standing goal of the labor movement was reached in 1963 when Congress enacted a law requiring equal pay for “equal work on jobs the performance of which requires equal skill, effort and responsibility and which are performed under similar working conditions, except where a wage differential is based on any factor or factors other than sex,” such as seniority, merit or piecework. The law prohibits any wage equalization by wage reductions. This law applies to employers covered by the Fair Labor Standards Act.

### **Equal Employment Opportunity**

Under Title VII of the 1964 Civil Rights

Act, as amended in 1972, employers, unions, and employment agencies are required to treat all persons equally without regard to race, color, religion, sex or national origin. This applies to all phases of employment including hiring, promotion, firing, apprenticeship and other training programs or job assignments. Employers and unions with 100 or more workers were covered in 1965 and coverage was extended each year until coverage was extended to employers and unions with 15 workers.

The law established a five-member Equal Employment Opportunity Commission (EEOC) to handle complaints of discrimination and try to promote compliance with the law. If the EEOC cannot bring about a voluntary settlement that is agreeable to all parties involved in the dispute, it can go to court on behalf of the charging parties. Union members are urged to take grievances regarding sex and race discrimination to their union first and only to EEOC after the grievance route has been thoroughly pursued.

### **Pension and Welfare Plan Reform and ERISA**

Effective Labor Day, 1974, pension reform law established minimum federal standards for the administration of private pension plans. The Employee Retirement Income Security Act (ERISA) sets vesting standards, funding requirements, fiduciary responsibility and establishes a federally guaranteed program to protect workers rights to pensions when an employer goes out of business. This labor-backed law sets

forth the duties of those who control workers' pensions funds and all other trust funds. The Department of Labor has the principal enforcement responsibility in reporting and disclosure standards, although administration of the law is shared jointly with the Internal Revenue Service (IRS) and the Pension Benefit Guarantee Corporation (PBGC).

### **Federal Consumer Credit Protection Act of 1968**

Best known for its "truth in lending" provisions, this Act contains significant restrictions on wage garnishment, which became effective in 1970. The law restricts garnishment of wages to a maximum of 25 percent of "disposable earnings" and prohibits firing a worker on account of garnishment for "any one indebtedness." State laws with more favorable provisions for workers take precedence.

### **Wage Collection Laws**

Most states have enacted laws providing for action against the employer by the State Labor Commissioner to collect wages denied to an employee.

### **Service Contract Act**

Under this 1965 act workers employed on service contracts for the federal government are to be paid no less than the prevailing wages and fringes for that type of work in the locality (as determined by the Labor Department). Wages cannot be less than the federal minimum wage.

### **Davis-Bacon Act**



## Know Your Rights



In 1931 legislation was enacted requiring that workers employed on federally-supported construction projects must be paid prevailing wage rates as determined by the U.S. Department of Labor. This prevented the undercutting of union wages. In the following years building and construction workers won fringe benefits in the health, welfare and pension area which were primarily financed by employer contributions. But those employers who were not paying fringe benefits had an unfair advantage in bidding on federally aided construction contracts. In 1964, Congress remedied this by including fringe benefits in the prevailing wages rates determined by the Secretary of Labor.

### **Walsh-Healey Public Contracts Act**

Companies that are awarded government contracts amounting to more than \$10,000 are required to pay prevailing minimum wages as determined by a public hearing held by the Department of

Labor. Companies are also required to pay time and a half for overtime after 40 hours a week or eight hours a day. This federal law passed in 1936 also requires the maintenance of certain health and safety standards.

## **Social Legislation**

### **Social Security**

The first program to provide a national system of social insurance was enacted in 1935 to provide protection for wage earners and their families against loss of income due to unemployment, old age and death. A system of federal aid for relief for specified groups was also included in the original act. The scope of the act has been extended over the years to provide more services for more people.

Benefits for totally disabled workers were later included in the program. In 1965 a system of hospital and nursing home care for the aged was added along with a program for voluntary medical



care insurance, financed jointly by the federal government and individuals. The old-age, disability, survivor's insurance and Medicare are financed by a tax on workers and employers and Congress determines benefits.

### **Supplementary Security Income (SSI)**

Amendments to the Social Security Act in 1972 provided a guaranteed federal minimum income for blind, disabled and elderly persons. This federal program established minimum benefits for the first time in all parts of the nation. Aid to Families with Dependent Children (AFDC) still remains a cooperative effort with federal, state and local government sharing costs and setting standards for eligibility and payments. It is administered by the states and benefits vary widely.

Medicaid provides matching federal dollars for health services for welfare recip-

ients and other medically needy persons.

### **Unemployment Insurance**

Unemployment insurance is a joint federal-state program to provide weekly benefits for unemployed workers covered by the law. Each state determines eligibility, amount and duration of benefits and the program is financed by a payroll tax paid by employers only.

### **Age Discrimination in Employment Act of 1976 (ADEA)**

The ADEA prohibits discrimination against employees over age 40. The ADEA prohibits age discrimination in hiring, discharge, pay, promotions and other terms and conditions of employment. The ADEA applies to private employers of 20 or more workers, federal, state and local governments, employment agencies and labor organizations



## Know Your Rights

with 25 or more members. Labor organizations that operate a hiring hall or office that recruits potential employees or obtains job opportunities also must abide by the law. The ADEA is also enforced by the EEOC.

### **Americans with Disabilities Act (ADA)**

The ADA prohibits private employers and state and local governments with 25 or more employees (15 or more after July 26, 1994), employment agencies and labor unions from discrimination against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, fringe benefits, job training and other terms, conditions and privileges of employment. The EEOC and the U.S. Department of Justice enforces the ADA.

### **Rehabilitation Act of 1973 (RA)**

This Act prohibits discrimination based on disabilities and applies only to government contractors. It requires affirmative action to employ and advance qualified individuals with a disability.

### **Family Medical Leave Act (FMLA)**

The FMLA was passed to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity. The FMLA entitles employees to up to twelve (12) weeks of unpaid, job guaranteed leave in a twelve-month period for medical reasons, the birth or adoption of a child,

and for the care of a child, spouse or parent who has a serious health condition. The Wage and Hour Division of the Department of Labor enforces the FMLA.

### **Worker Health and Safety Occupational Safety and Health Act of 1970**

Until 1970, primary responsibility for job safety has always rested with the states, with the federal government giving leadership and technical assistance. Some states set general safety standards applicable to all industries but the trend was toward special codes for particular industries and enforcement was spotty. Under the provisions of the Occupational Safety and Health Act of 1970, the federal government has the power to establish and enforce national standards in all states.

The law covers all farm and non-farm workers not already covered by other federal laws, as well as most state and local public employees. The Secretary of Labor establishes and enforces occupational safety and health standards. The U.S. Labor Department will make inspections with authority to halt violators, and invoke penalties if violations continue.

The law establishes a three-member commission, appointed by the President, to enforce job safety standards set by the Secretary of Labor. State governments are allowed to enforce the act if their plans are eligible under requirements established by the Secretary of Labor.

### **Hazard Communication Standard**

OSHA issued this standard in 1983 to ensure that employers and chemical manufacturers evaluate the hazards of all chemicals. Once a manufacturer or an employer designates a chemical or material as “hazardous”, any employer using it must give workers information concerning these hazards. The standard specifies three ways employers must communicate with employees, through Material Safety Data Sheets (MSDS); Labeling of Hazardous Materials; and, worker training.

### **Toxic Substances Control Act**

New federal legislation to control poisonous chemicals was enacted in 1976. The law gives the Environmental Protection Agency (EPA) authority to keep dangerous chemicals off the market. EPA is authorized to require testing by the manufacturer of new or existing chemicals and requires pre-market notification of any new chemical product or new use of existing chemicals.

### **Worker’s Compensation**

Workers covered by these state laws receive medical care and cash benefits when they are injured on the job. This is an entirely state-controlled program and laws vary widely in coverage, amount and duration of cash and medical benefits provided the injured worker. Benefits have not kept pace with rising wages and only a few states have maximum benefits for temporary total disability equal to two-thirds of the state’s average weekly wage, the original goal of the laws. Stewards should become familiar with the provisions of their state law and how to file claims properly.

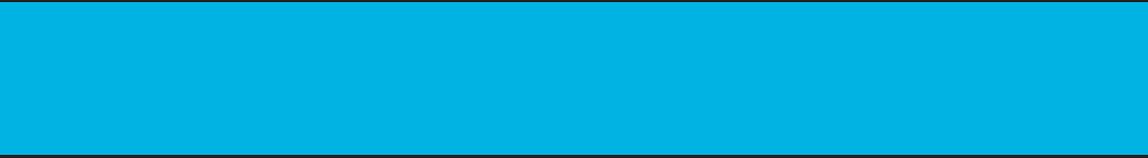
### **Conclusion**

There are so many laws and regulations that govern collective bargaining and stewards’ conduct. There are many more that cover how the work is done in your industry or on your job. Some laws provide for the health and safety of Teamster members. Others cover things like pensions and health plans.

Stewards need not be lawyers, but it does pay to be somewhat conversant in

### **Review Questions**

- What laws govern Canadian Teamsters?
- What does OSHA stand for? Is there a Canadian equivalent?
- What does the National Labor Relations Act govern and what amendments created the “open shop” states in the south and Sunbelt areas?
- What do we mean by a union member’s Bill of Rights? What law created these?
- What laws govern the public sector? Airline or air cargo operations? How do these operations differ from workplaces in the private sector?





# Stewards As Organizers





# Stewards As Organizers

## Introduction

Organizing is vital to the union. Bringing new members into the union helps the union grow and prosper. The more workers we gain in our core industries, the more clout we have to negotiate good contracts and develop favorable industry or area standards. The more clout we have as a union, the more influence we have over grievances or when we lobby politicians to enact legislation that favors working people.

Stewards are the best organizers for the Teamsters Union. You know your members, your jobs, your rights and your industries better than anyone else. You are well positioned to talk to unorganized workers about the benefits of being a union member.

How can we organize new members into our union? Where do we start? The beginning of any organizing campaign starts with members and stewards willing to help the union grow. It starts with union stewards who recognize that being an organizer, on the job and out in the community is one of the most important jobs we hold.

## Organizing the Unionized

The first place a steward starts organizing is in the workplace where he or she works. By organizing internally, Teamster members are better educated on the issues that impact the job, the industry, or union as a whole, and understand what the contract provides.

A membership that works and stands together forms the basis of organizing

*Those who profess to favor freedom and yet depreciate agitation, are people who want crops without ploughing the ground; they want rain without thunder and lightning; they want the ocean without the roar of its many waters. The struggle may be a moral one, or it may be a physical one, or it may be both. But it must be a struggle. Power concedes nothing without a demand; it never has and it never will.*

—FREDERICK DOUGLAS

other worksites. A membership that understands the union's role will help the union connect with other industries where the workers may need a union.

To effectively organize internally, the steward applies the same qualities that go into fielding members interests and concerns, or filing grievances. First and foremost, the steward needs to know the member on a personal level and understand that member's point of view. The steward needs to be a good listener and be able to convey union principles and activi-

ties in a way that engages the member in the process.

Having a highly mobilized and educated membership within our core industries helps the Teamsters Union reach out to other workers, other industries and other worksites more effectively. It forms the basis of the external organizing effort.

## Developing a Commitment to Organize

Union members often do not see the need to organize, particularly if they enjoy fair wages, hours and working conditions, or hold jobs in high growth, high wage industries. Stewards can do much to explain the need to organize today.

Here are some points that may help you make progress with getting your members to consider helping out and volunteering their efforts to organize:

- Many of our leading industries are facing considerable consolidation and change. These demands require that we add to our power at the bargaining table and before decision makers who oftentimes decide whether or not mergers and other consolidations can take place.
- Turnover on the job or in our industry demands continual organizing.
- According to recent public opinion polls, workers want to join unions and existing members want to participate and make a greater contribution to their union.
- Organizing is more difficult today than ever before. Employers launch massive

anti-union campaigns and spend millions of dollars to keep the union out. Therefore, the Teamsters Union needs all the help it can get to fight back and win these campaigns. Members and stewards comprise the best of our volunteer efforts.

## Developing Organizing Leads

It takes a great deal of time and effort to identify workers in the community who are interested in becoming Teamster members. Who best to identify potential members or unorganized worksites than Teamster stewards?

Many of you are engaged in driving occupations that take you into the community on a daily basis. You spend your days traveling the nation's highways or the roads of your local communities, talking with customers and, potentially, future union members. Some of you may work in fixed locations but have a broad network of friends and family members upon whom you can call.

How do you develop leads for your local leaders or organizing committees? Here are some ways you can become an effective organizer for the local union:

- Consider yourself an organizer. Everyday presents opportunities to reach and organize a new worker into the union. Sometimes we miss these opportunities because we do not view ourselves as organizers. If you consider yourself an organizer, you will begin to see how many people you can influence to call the union for assistance.



## Stewards As Organizers



- Identify yourself as a Teamster. Sometimes, we identify with our jobs, industries or chosen careers rather than, say, our union. Identify yourself as a Teamster member. See what kind of interest and questions you generate.
- Use your network. Stewards have relatives, neighbors, and friends who work for non-union employers. Personal outreach to these workers is usually more effective than soliciting leads through leaflets or mailings. Talk to your friends and loved ones. You will be surprised how many people want to “go union” but do not know where to start.
- Reach out to community groups. Every local union is rooted in the community, and involved in community and political activities. Develop working

relationships with the players in your community. It will naturally generate an interest in the Teamsters Union.

### Levels of Steward Involvement in Organizing

Some Teamster locals recruit organizing volunteers through a VOC training program. VOC stands for “Volunteer Organizing Coordinators” or “Volunteer Organizing Committees.” The purpose of a VOC program follows:

- To identify different levels of membership activities that support organizing and building union power.
- To recruit and train members on how to conduct these activities.
- To develop an ongoing program that

increases members' skills and levels of responsibility in an organizing campaign or other union activities.

- To create conditions that allow locals to launch organizing campaigns designed to meet their organizing goals.

## Involving Members in Organizing

The Teamsters Union throughout the U.S. and Canada is educating large numbers of members on the importance of organizing non-union competition. There are any number of opportunities and activities where members and stewards can find their niche and participate.

## Levels of Activity

Workers will have different levels of involvement, at different times, depending on their involvement in the union, their work and personal life, and the excitement generated by the campaign. The well-constructed Volunteer Organizing Program should offer a menu of activities that offers everyone an opportunity to participate at some level no matter how busy they are. Volunteering to help, then, is not defined by how many meetings you can attend. Rather, it is defined as what you bring to the table.

By offering different levels of activities, the number of members who participate increases as well as the pool of potential recruits for the next level of activity. Also, it allows many members to participate instead of just the few who have time.

Note: Every local union is different. The

way it employs members in organizing may vary. Here are just a few ways Teamster members and stewards can support organizing. You need to work with your officers and agents to see what kind of assistance is needed, what resources are available to stewards, and how best you can serve.

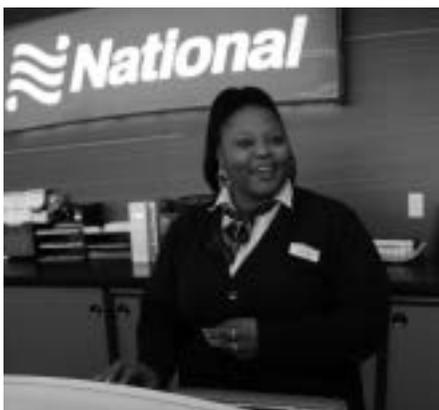
## LEVEL 1 ACTIVITIES: Members & Stewards Perform Job Site Activities, Some Outreach

At Level 1, members and stewards commit to doing a few things on their job to promote the union. Sometimes they will handbill on a weekend. Here are some activities you can do to make a difference:

- Educate co-workers on importance of organizing non-union workers
- Collect information on organizing leads and furnish information to the local contact person (names, addresses, telephone number of unorganized workers; information on non-union job sites)
- Provide a visible union presence on their job site by talking union and wearing union buttons, hats, jackets, etc.
- Get a majority of workers at the job site to wear union items.
- Distribute and collect membership surveys that are sponsored by the local
- Participate in hand billing unrepresented workers
- Attend occasional work site meetings on organizing, other activities
- Collect names and addresses of mem-



## Stewards As Organizers



bers interested in volunteering or making a greater contribution to their local

### Resources Needed:

- Basic information or training by the local on organizing and other topics
- Chief steward or local staff person to network with the volunteers
- Booklets, other standard material
- Hats, buttons, bumper stickers, other union items
- System to gather and maintain information collected by members

### LEVEL 2 ACTIVITIES:

#### Members & Stewards Commit More Time, Volunteer At Least Once a Month

Level 2 Members and Stewards are leaders. They agree to volunteer at least once a month to union building activities and organizing campaigns. In a right-to-work state, they will assist in periodic membership drives, with a goal of signing up 100% of the workers into the union. In other settings, they will devote significant time to organizing campaigns, participate in house calls, phone banks – you name it – to organize the unorganized. Members and stewards can make a difference by:

- Hand billing, informational picketing
- Charting worksites, other information
- Phone banking
- Unrepresented worker work site visits
- Making house calls, home visits
- Looking up addresses, building lists, performing data entry

- Preparing and distributing informational newsletter
- Signing up unrepresented workers

### Resources Needed:

- Training on house visits and signing up unrepresented workers
- List of non-union targets
- Regular monthly day for actions
- Organizing plan
- Leaflets, other material

## LEVEL 3 ACTIVITIES:

### Members & Stewards Play a Leading Role, Commit Time Away From Work, Use Vacation Time To Organize

- Willing and able to leave work for short periods of time (i.e. paid lost wages or use vacation time)
- Salt non-union job for long period of time
- Participate weekly in activities as a volunteer
- May serve as Volunteer Organizing Coordinator (VOC)

Level 3 workers are potential organizing staff. They are rank and file leaders who truly want to make a greater contribution to their union. They devote significant time and effort to organizing and other activities.

### Resources Needed:

- Local union funds to pay lost time
- Vacation days, other leave
- Training and supervision for organizing team

- Organizing calendar, targets
- Material, talking points, etc.

## Conclusion

Organizing is important. Stewards can play a part. Contact your Chief Steward, officers and agents to find out what organizing campaigns are taking place and ways you can help.

Organizing is a team effort. One person cannot do it all. But, stewards and active members can make the difference. Think about it: if you did not belong to a union, who could best persuade you to

## Review Questions

- Why should members and stewards get involved in organizing?
- How does organizing contribute to the union?
- What is the purpose of a Volunteer Organizing Committee?
- Describe what levels of commitment stewards and members can make to help their local organize.
- In terms of involvement, what level best describes your current commitment to your union?  
Where do you want to be?

join? That's right: a Teamster steward,





# Appendix

Each and everyday, Teamster stewards make a difference. We hope the information in this guide is useful to you as you work hard for Teamster members everywhere. Here are some other resources that may help you build your knowledge and expertise as a union steward.

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## Appendix

# Selections from International Brotherhood Teamsters Constitution & Bylaws

*Teamster stewards can look to the Constitution of our great International Union to learn more about the goals and objectives of our union. Selections from this document, which was originally penned in 1903, follow:*

### Preamble

The International Brotherhood of Teamsters was formed in 1903 by representatives of independent local unions who had the foresight to recognize that the ability of each local to provide assistance to its members could be improved by the formation of a great labor organization which pooled the resources and talents of the individual locals. In creating the foundation for what has become the largest trade union in North America, those local unions agreed to subordinate some of their individual independence in order to obtain services, support and expertise which none alone could provide but which all could obtain through coordinated action by the International Union.

In entering this new relationship, the local unions preserved their autonomy and identity and structured an International based upon the concept that the heart of the local is the membership and that the core of the International must be its locals. As the local unions must reflect the interests of their members, so too must the International Union be responsive to the

needs of the locals which brought it into existence. The local unions and the International recognize that the interests of the membership are at the core of their relationship. The local unions and the International commit to serve the interests of the membership by maintaining a Union that is strong, democratic and free of corruption.

This Constitution recognizes and protects the autonomy, integrity and identity of each indispensable part of this great Union—the members, the locals and the International. It constitutes an agreement among equal partners who are united by and dedicated to the common goal of achieving social and economic justice for workers everywhere.

Today, as we are confronted by the challenges of a global economy dominated by multi-national corporations that sweep past national borders and forage the globe in search of new workers and resources to exploit, we recognize that the future of working people and the future of our great Union depend on our ability to organize the unorganized and to build alliances with workers throughout the world. We recognize that the struggle for human rights, including the fundamental right of workers to form and join free trade unions, implicates universal principles which cannot be confined by national borders. The welfare of our members is interrelated with the ability of our fellow workers in the global

marketplace to demand and obtain decent wages and working conditions from their employers. We pledge to support the legitimate efforts of our brother and sister workers to achieve the right to organize and obtain fair terms of employment.

We reaffirm our belief that only through a strong democratically accountable Union can workers be protected and prosper and only with the allegiance of its members and the mutual support of united labor organizations can the Union survive.

## Article I

### Name

**Section 1.** This organization shall be known as the International Brotherhood of Teamsters and shall consist of an unlimited number of Local Unions chartered by the International Brotherhood of Teamsters.

The principal and main office of the International Union, as well as such other offices as in the opinion of the General Executive Board may be desirable, shall be located at such place and places as are designated by the General Executive Board.

### Objects

**Section 2.** The objects of this International Union are to organize under one banner all workers engaged in industry; to educate them to cooperate in every movement which tends to benefit the organization; and to impress upon our membership, employers and the public that it is to the advantage of all concerned that workers be organized. The organiza-

tion of our industry requires honest and intelligent membership, adapted to the business. We teach our membership the advantage, benefits and importance of their industrial position, and we endeavor to build-up and perfect a labor organization in conformity with the highest standards of our American and Canadian citizenship. We seek to ensure that the contributions made by our members to improve their industries are recognized and that workers receive the benefits derived from their labors in the form of reasonable hours, fair wages, and improved working conditions and respectful treatment by their employers.

The objects of this International Union are also to secure improved wages, hours, working conditions and other economic advantages through organization, negotiations and collective bargaining, through advancement of our standing in the community and in the labor movement through legal and economic means, and all other lawful methods; to provide educational advancement and training for employees, members and officers; to safeguard, advance and promote the principle of free collective bargaining throughout the world; to advance the rights of workers, farmers and consumers, and the security and welfare of all the people by political, educational, and other community activity; to engage in cultural, civic, legislative, political, fraternal, educational, charitable, welfare, social and other activities which further the interests of this organization and its membership, directly or indirectly; to provide financial and moral assistance to other labor organizations or



## Appendix

other bodies having purposes and objectives in whole or in part similar or related to those of this organization; to engage in community activities which will advance the interests of this organization and its members in the community and in the nation, directly or indirectly; to protect and preserve the International Union as an institution and to perform its legal and contractual obligations; to receive, manage, invest, expend or otherwise use the funds and property of this organization to carry out the duties and to achieve the objectives set forth in this International Constitution and Bylaws and for such additional purposes and objects not inconsistent therewith as will further the interests of this organization and its members, directly or indirectly.

The achievement of these objectives within national economies that are dominated by multinational corporations and conglomerates, will require coordination of our activities to maximize our members' economic strength through national and international bargaining, the establishment of master industry-wide agreements, and the implementation of strategic organizing campaigns. It will require establishment of alliances with community groups that share our objectives, and whose goals we can also support.

It is recognized that the problems with which this labor organization is accustomed to deal are not limited to unionism or to organization and collective bargaining alone, but encompass a broad spectrum of economic and social objectives as set forth above and as the Union may

determine from time to time. We therefore determine and assert that the participation of this labor organization, individually and with other organizations, in the pursuit and attainment of the objectives set forth herein is for the sole benefit of the organization and its members.

In seeking to achieve these goals, we pledge to work with employers that share our dedication to workers' rights, as we pledge to organize workers and to assist them in their fight against those employers that do not.



# The Teamsters Union Today

## Teamsters in Transportation

The best-known Teamsters work in the freight industry. About 160,000 Teamsters are covered under the National Master Freight Agreement.

The largest single employer of Teamster members is United Parcel Service, which employs about 200,000 of our Teamster members. Thousands more work in the airline, airfreight, carhaul and tankhaul industries, local pickup and delivery, among others. Many Teamsters drive dump trucks and other equipment to and from construction sites. Others operate tractor trailers or smaller delivery vehicles. Some Teamsters drive school buses.

## Teamster Careers in Other Industries

The Teamsters Union represents 1.4 million men and women who work in virtually every occupation throughout the United States and Canada.

### Did you know. . .

- Teamsters work for some of North America's largest companies like United Parcel Service, Anheuser Busch, Costco, CSX, Sysco, Coca-Cola, Airborne, Safeway, Disney, United Technologies, Sears, and General Electric?
- Teamsters produce the foodstuffs you buy at your local grocery? Yes, the men and women who work for Kraft and Land O'Lakes, among others, are Teamsters. That's right, Teamsters

process, store, and deliver most of the nation's food products.

- When you shop at Costco, chances are you will find Teamster men and women working hard to make sure you have what you need, when you need it?
- Teamsters work as flight attendants, pilots and mechanics for leading airlines and air freight companies?
- Teamsters operate computers, surf the Net and work in white collar or technical fields?
- Teamsters care for patients in hospitals and nursing homes?
- Teamsters assist customers at car rental agencies like Hertz and Avis?
- Teamsters work at leading hotels everywhere?
- Teamsters work in schools throughout the United States and Canada?
- Teamsters work as technical employees in both the public and private sectors?
- Teamsters protect families as law enforcement officers?
- Teamsters repair highway bridges and collect tolls throughout the New York State Thruway and Pennsylvania Turnpike?
- Teamsters mine salt under Lake Erie and work as public defenders in the state of Minnesota?
- Teamsters transport automobiles, trucks, and other vehicles?
- Teamsters work as railroad engineers?
- Teamsters make the paper and often print our newspapers?



## Appendix

### Teamster Occupations

• Accountants • Airline Pilots • Airline Customer Service Agents • Airport Operations Coordinators • Animal Control Officers • Assistant District Attorneys • Assistant Publications Editors • Attendant Office Managers • Bookkeepers • Bookmobile Drivers • Brewery Workers • Bus Drivers • Carpenters • Cashiers • Cement Masons • Chemists • City Drivers • Clerks • Computer Operators • Cooks • Correctional Officers • Court Reporters • Crew Schedulers • Custodians • Dental Technicians • Deputy Sheriffs • Detectives • Dietary Aides • Disney World Characters • Dispatchers • Dock Workers • Doctors • Driver/Sales Workers • Electricians • Electronic Technicians • Emergency Medical Technicians • Emergency Road Assistance Workers • Engineering Technicians • Engineers • File Clerks • Fire Fighters • Flight Attendants • Flight Engineers • Food Processors • Forestry Employees • Forklift Operators • Gardeners • Group Leaders • Health Inspectors • High Pressure Engineers • Hotel Employees • Housekeepers • Housing Improvement • Investigators • Inspectors • Insurance Claims Adjusters • Lab Technicians • Legal Secretaries • Lead Revenue Auditors • Library Assistants • Licensed Practical Nurses • Lithographers • Maintenance Employees • Marine Safety Officers • Material Analysts • Mechanics • Medical Technologists • Microfilm Specialists • Nurses • Operating Engineers • Over-the-Road Truck Drivers • Painters • Parcel Delivery Employees • Parking Attendants • PBX Operators • Pharmacists • Platemakers • Plumbers • Police Officers • Press Operators • Printers • Programmers • Production Workers • Public Health Educators • Public Works Maintenance Workers • Radio Operators • Railroad Mechanics • Railroad Engineers • Recycling Employees • Refrigeration Engineers • Registered Nurses • Reservationists • Resident Physicians • Salespersons • Sanitation Workers • School Administrators • School Crossing Guards • School Principals • Secretaries • Security Guards • Shipping & Receiving Clerks • Shuttle Bus Operators • Social Workers • Statisticians/Teletype Operators • Toll Collectors • Tool & Die Makers • Tugboat Captains & Crew • Traffic Investigators • Truck Drivers • Undersheriffs • Warehouse Workers • Weights & Measures Inspectors • X-Ray Technicians • Youth Counselors • Zookeepers

## Teamster Structure – U.S. & Canada

### Structure

**1.4 Million Members**

**Tens of Thousands of Teamster Stewards**

**More than 10,000 Officers, Business Agents, Organizers, Union Staff Members**

**374 Local Unions**

**34 Joint Councils**

**4 Regions and Teamsters Canada**

**16 Trade Divisions, 4 Trade Conferences and 4 State Conferences**

**International Union Headquarters in Washington, D.C.**

The International Brotherhood of Teamsters, with 1.4 million members, is one of the largest labor unions in the world. It is also the most diverse. One out of every ten union members is a Teamster. The Teamsters is, by far, the largest, most powerful union in the world and a leading voice on working family issues and fair trade.

### Membership

There are 1.4 million Teamster members throughout the United States and Canada. Teamsters live and work in all communities. Even in remote areas like Nova Scotia, Alaska, Hawaii, Puerto Rico and Guam,

you will find hardworking Teamster men and women making a difference in their communities.

### Local Unions

What is a “local union?” A local union is very similar to a chapter or lodge in a community or civic organization. When a worker joins the Teamsters Union, he or she usually joins one of the many locals within the organization. Each local is chartered as an affiliate of the International Union, numbered and usually defined by a particular craft or industry. Or, it may be a general local that organizes and represents any number of industries or crafts.



## Appendix



There are more than 450 Teamster local unions across North America. That means, there is a Teamster local located in every community – which is great for workers who want to organize and join us.

In a local, Teamster members elect their own local officers, devise their own structure, and vote on their own bylaws. They attend membership meetings and weigh in on local matters.

Since the local union is a chartered affiliate of the International Union, the local's bylaws (or governing rules) must conform with the International Constitution, a document that sets forth the goals, objectives, principles, policies, procedures and regulations for the entire union.

While enjoying relative independence and autonomy to represent their members, Teamster locals benefit from the expertise and assistance of the International Union, its Departments, trade divisions and other services. Ultimately, the members get the benefit of onsite representation combined

with the leverage that can only be derived through an International organization like the Teamsters Union.

### Joint Councils

Joint Councils help coordinate Teamster activities in a given geographic area. Joint Council governing boards—called “Executive Boards”—are comprised of Teamster leaders from the region. Joint Councils bring locals together to address issues of common interest, to coordinate bargaining and organizing efforts, and to decide things like jurisdiction. Joint Councils allow locals to pool their resources on a regional basis to have more clout in their communities.

### Trade Divisions and Conferences

Trade divisions and conferences aid Teamster leaders throughout the country who share common interests and problems in specific industries, such as Freight, Dairy

or Small Package. Teamster Trade Divisions and Conferences provide an informational clearinghouse for locals that negotiate in the same industry or bargain with the same employer. Local representatives discuss common problems and concerns at regular trade division and conference meetings.

## International Brotherhood of Teamsters Headquarters

The union's International headquarters is in Washington, D.C. Long ago, the Teamsters Union moved its headquarters from Indianapolis to the nation's capital when our leaders saw how important it was to have a voice and presence on Capitol Hill.

The International Union provides a variety of programs and services for Teamster locals and their members:

- Coordinated bargaining across industry lines and other trade division assistance;
- Training programs for Teamster officers, business agents, stewards and members;
- Advice and assistance from experienced organizers, negotiators, researchers, attorneys, safety and health professionals, auditors, and communications specialists.
- Publications, contract updates and other informational services.

## Teamsters General Executive Board

The union's General President and General Secretary-Treasurer serve as the

executive officers of the union. The General Executive Board consists of 22 Vice Presidents geographically located or at-large. Three trustees serve as watchdogs over the International's finances.

Between Conventions, the General Executive Board, guided by the Teamster Constitution, is the governing body for the union. The General Executive Board meets on a quarterly basis.

## International Convention, General Election of Officers

Convention delegates, whom are elected locally, meet once every five years to amend the Constitution and adopt measures lending direction to the union. Nominations for top office are made at the International Convention.

Elections of officers for International union office are typically held once every five years. Every Teamster member gets a ballot and may cast his or her vote for candidates running for top union office.

## Get Out the Vote

The Teamsters Union is the most democratic union in the world. To demonstrate the power and importance of membership participation, stewards need to remind all members that they have the right to vote and should vote for candidates running for local union and national union office.



# Human Rights Commission

## Mission & Purpose

The Teamsters Human Rights Commission (HRC) builds upon the diversity within the union's ranks. Further, we recognize the need to educate, and to learn that different physical and cultural qualities such as "race, age, color, religion, sex, sexual orientation, disabilities, or national origin" make individuals unique and deserving of respect.

The Commission will actively work to involve all members, crossing the barriers of division; increasing opportunities for participation; fighting the discrimination that weakens, and uniting our great union. The Commission will build a network of communication, creating a powerful voice to advocate dignity and justice on the job, in the community, member-to-member, neighbor-to-neighbor, throughout our nations and around the world. The Commission will use its energies to make our union more powerful, preserving its foundation for future generations of Teamsters.

## The Commission was established to:

Assist local unions in promoting diversity,

- Eliminate all forms of discrimination that divides us on the job, in society and in our union,
- Sponsor conferences that bring together groups to help celebrate their contributions to the fabric of our union,
- Encourage Teamster participation in

national events like Martin Luther King Day celebrations,

- Develop educational materials on topics such as sexual harassment, ADA and other forms of discrimination,
- Bring all members together.

## HRC Commission Projects

The Teamsters Human Rights Commission oversees many initiatives that help build the union now and in the future. These efforts include administering the following projects:

- James R. Hoffa Scholarship Fund
- Teamsters Disaster Relief Fund
- Networking with Teamster Caucuses
- Workshops on Human Rights Issues

Do you want to learn more about Teamster scholarships? Ways you can contribute to disaster relief efforts? Want to find out how to join the Teamsters National Black Caucus, Hispanic Caucus, Women's Caucus or Gay/Lesbian/Bi-Sexual/Transgender Alliance? Or, maybe you want to meet your State or Local Human Rights Coordinator. Your local can call for workshops on issues like Immigration, Issues of Diversity, Community Service Programs, Youth Outreach or Combating Workplace Violence. Contact:

*Human Rights Commission  
International Brotherhood of Teamsters  
25 Louisiana Avenue, N.W.*

# Sample Forms

## Investigation Fact Sheet

Department \_\_\_\_\_ Date \_\_\_\_\_

Shift \_\_\_\_\_ Steward \_\_\_\_\_

Name of employee (s) \_\_\_\_\_

Classification \_\_\_\_\_ Seniority Date \_\_\_\_\_

Name of supervisor \_\_\_\_\_

### WHAT HAPPENED:

Employee(s) Account: When \_\_\_\_\_

Where \_\_\_\_\_

Date of interview with employee(s) \_\_\_\_\_

Supervisor Account: When \_\_\_\_\_

Where \_\_\_\_\_

Alleged contract/ rule violation \_\_\_\_\_

Date of interview with supervisor \_\_\_\_\_

### WITNESS NAMES

### WHAT THEY WITNESSED

_____	_____
_____	_____
_____	_____

### DOCUMENTS NEEDED:

(Check "yes" when received and attach to the fact sheet)

Attendance record     Work Record     Medical Record     Other

\*Use Back of This Form for Additional Information\*



## Appendix

### Sample Grievance Form page 1

SHOP/DEPT: \_\_\_\_\_ DATE: \_\_\_\_\_

Grievant(s): \_\_\_\_\_ Supervisor: \_\_\_\_\_

\_\_\_\_\_ Type:  Discipline  
\_\_\_\_\_  Language

(Include dept., job classification shift, hours, tel. #s)

State the Grievance (describe the problem):

\_\_\_\_\_  
\_\_\_\_\_

Information Requested:

\_\_\_\_\_  
\_\_\_\_\_

Remedy Sought:

\_\_\_\_\_  
\_\_\_\_\_

(If applicable, INCLUDE restoration of full seniority, back pay, benefits & otherwise be made whole.)

Violation of (contract, law, past practice, management rules, fair treatment)  
BE SPECIFIC:

\_\_\_\_\_  
\_\_\_\_\_

(Include ALL OTHER ARTICLES THAT APPLY.)

Witnesses: \_\_\_\_\_ reach at: \_\_\_\_\_  Y  N

\_\_\_\_\_ reach at: \_\_\_\_\_  Y  N

\_\_\_\_\_ reach at: \_\_\_\_\_  Y  N

## Sample Grievance Form page 2

INFORMAL MEETING, held on: \_\_\_\_\_ (Date, time)

In Attendance:

Company: \_\_\_\_\_ Union: \_\_\_\_\_

Company: \_\_\_\_\_ Union: \_\_\_\_\_

Resolution:  Yes  No

If yes, describe.

\_\_\_\_\_  
\_\_\_\_\_

STEP ONE - Resolution:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Steward's Signature

\_\_\_\_\_  
Supervisor's Signature

STEP TWO - Resolution:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Steward's Signature

\_\_\_\_\_  
Supervisor's Signature

STEP THREE - Resolution:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Steward's Signature

\_\_\_\_\_  
Supervisor's Signature



## Appendix

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### Useful Internet Links

**International Brotherhood of Teamsters**

*www.teamster.org*

**Teamsters Canada**

*www.teamsters-canada.org*

**Change to Win**

*www.changetowin.org*

**National Labor College**

*www.nlc.edu*

**U.S. Department of Labor**

*www.dol.gov*

**Federal Mediation and Conciliation Service (FMCS)**

*www.fmcs.gov*

**Federal Labor Relations Authority (FLRA)**

*www.flra.gov*

**National Labor Relations Board (NLRB)**

*www.nlr.gov*

**National Mediation Board (NMB)**

*www.nmb.gov*

**Coalition of Labor Union Women**

*www.cluw.org*

**U.S. Department of Transportation**

*www.dot.gov*

**Americans with Disabilities Act (ADA)**

Equal Employment Opportunity Commission (EEOC)

*www.eeoc.gov/facts/fs-ada.html*

**Family and Medical Leave Act (FMLA)**

*www.dol.gov/elaws/fmla.htm*

## For More Information

Nothing substitutes for knowledge of your contract, your local or your industry. To become more effective as a steward, you will want to work as a team and share information with your fellow members, stewards, business agent and other officers.

Certainly, there are many resources available to you if you want to learn more and make a greater contribution to the union. For general advice and principles, here are some basic written resources for the Teamster steward.

### United States

The Teamsters Union Stewards Manual. Available from the International's Department of Training & Development. Single or bulk copies can be obtained by calling (202) 624-8117. A must-read for new and longstanding stewards. Provides useful examples, checklists and other valuable information. Includes review questions at the end of each chapter for training purposes.

The Teamsters Union Membership Manual. Available from the International's Department of Training & Development. Single or bulk copies can be obtained by calling (202) 624-8117. A great resource for new and longstanding Teamsters. A must-read on Teamster history, structure and purpose of the union. Useful for new member orientation sessions.

The Union Steward's Complete Guide, edited by David Prosten, UCS, Inc., 1633 Connecticut Avenue, N.W., Suite 300, Washington, D.C. 20009. Telephone: 1-800-321-2545. An exhaustive compendium of advice, writings for the union steward.

The Legal Rights of Union Stewards, by Robert M. Schwartz (Cambridge, MA: Work Rights Press, 199 pages). \$9.95 for single copies plus shipping and handling. Bulk copies available at a discount from Work Rights Press, Box 391887, Cambridge, MA 02139. Telephone: 1-800-576-4552. A great companion to the Teamster Stewards Manual. Easy to read, Q & A format.

The Grievance Guide, by the editorial staff of the Bureau of National Affairs. Available from BNA Books, 1231 25th Street N.W., Washington, DC 20037. Call 1-800-372-1033 for prices on single and bulk orders. First published in 1959, a useful reference. Organized by issue, provides information on how arbitrators rule on key grievance issues.

Words and Phrases: A Dictionary of Collective Agreement Language, Sack, Goldblatt Mitchell for Lancaster House (see above for ordering information.) 253 pps. Includes arbitrator's ruling on specific contract language. Useful guide for Canadian trade unionists.











**International Brotherhood of Teamsters  
Training & Development Department**

25 Louisiana Avenue, NW  
Washington, DC 20001  
202-624-8117

[www.teamster.org/traininganddevelopment.com](http://www.teamster.org/traininganddevelopment.com)