

# Communicating with Members



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All effective unions have this one characteristic in common: they build a relationship with members through good communication.

Union members know what's going on within the local union, at the worksite, in the political arena, and in their community. Union officers and staff know members' interests, concerns, opinions and actions.

And *everyone* knows what's going on with management.

The steward plays a vital communication role in an effective union. The steward is responsible for getting all kinds of information out to members in the workplace — union events, benefit information, bargaining information, news about the employer, political and electoral updates, labor and community news.

Just as importantly, the steward brings *in* all kinds of information. The steward is the union's eyes, ears, and voice in the workplace — listening to members' concerns and interests; answering questions and clearing up misinformation; watching and interacting with management — and voicing all that information to the union's leadership.

In their communicator role, effective stewards do more than just distribute and convey information — as worksite *leaders*, they use information to encourage *action*.

Here are some techniques to get the word *out*, get the word *back*, and encourage *action*.

## Always Convey the “Why”

We live in the “information age”—people are bombarded constantly with information. An effective steward will convey the *importance* of the information — *why* it is important to both that worker and our union, and *why* it is important for the worker to take action.

Example: You have a bargaining survey you are distributing to workers.

Without the “why”: “Here's a bargaining survey the union wants you to fill out by next week.”

Here it is again, but with the “why”: “Our union wants to get each worker's views on what issues are important so we can begin our preparations to bargain the best possible contract. Here is a bargaining survey I'd like you to complete so we can get your ideas.”

Being able to convey the “why” leads us to an additional handy technique that can make this exchange even more effective.

## Don't “Proclaim,” but “Converse”

All kinds of studies show that the quality of communication is improved when it is two-way. The steward who has a conversation with a worker about information will have better results than a steward who just “tells” the information to the worker.

Using the example from above, notice the difference between telling and conversing: You have a bargaining survey you are distributing to workers.

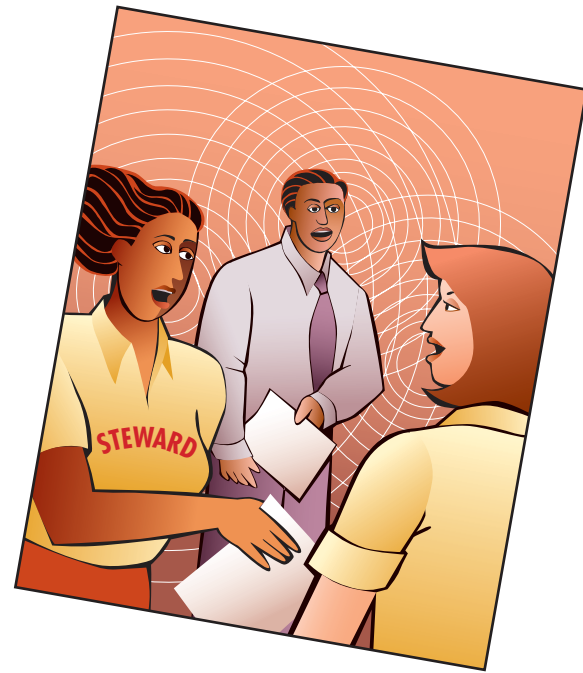
The “*proclamation*”: “Here's a bargaining survey the union wants you to complete — fill it out by the end of the week.”

The “*conversation*”: “What issues do you think will be important for our union to raise when we begin contract negotiations?”

The conversation begins with an open-ended question — a question that requires more than a “yes” or “no” answer. The proclamation begins with a command.

## Choose the Right Time

Everybody's busy (*including you*) but clearly some times are more hectic than others for members. The co-worker running out the door at shift end to pick up children may be less distracted at lunch



time. The co-worker who's not a “morning person” may be more receptive at the end of the day. Choosing a time when members are less likely to be distracted is just common sense.

Members will be more receptive to information and more likely to act on it if they hear it firsthand from the union — from you, the union steward. This is particularly important in situations where we expect management will put out its own information.

When workers hear it from the union first, the union can define the issue rather than “react” to it.

What would *you* want members to hear first?

**Management:** “The union's demand for increasing staff is because the current staff is working inefficiently and the union just wants more dues payers.”

**Union:** We are demanding increased staffing because our client caseloads have substantially increased and we want to continue providing quality client service.

Easy choice, eh?

Experienced stewards realize that getting information out to members is more than a “task” — it's an opportunity to engage members on their views and to encourage them to action that strengthens the union.

# Weingarten Rules

If a union steward could teach just one thing to his or her members, it would have to be about their “Weingarten rights” — the right of unionized workers to have a steward or someone else from the union present if they find themselves in situations where they may be disciplined.

Many workers crumble in the face of questioning by their supervisor or other management type. They get rattled and start explaining and making excuses and apologizing and often end up giving the employer ammunition to do whatever he wants. They often become like the suspects you see in cop shows on television: they ‘fess up to things that maybe never even happened or say things in such a way that they worsen the problem rather than talk their way out of it.

With few exceptions, workers across North America enjoy the legal right to have a steward or other union representative present if they find themselves in *any* situation with management — a conversation, a discussion, an interrogation — that could lead to disciplinary action. For private sector and federal government workers in the U.S., this protection is called Weingarten Rights, named after a 1975 Supreme Court decision. Most state workers and workers throughout Canada enjoy pretty much the same guarantees.

But unlike Miranda rights, which police are supposed to tell criminal suspects about (“You have the right to remain silent, anything you say may be used against you...”), employers do *not* have to tell employees about their Weingarten rights. Workers have to *ask* for them. And the only way they’re going to know they have that right, odds are, is if *you* tell them.

These are the basic guidelines covering the use of Weingarten:

- The employee must make a clear request for union representation before or during the interview. The worker can’t be punished for making such a request.

- The employer must either grant the request and delay questioning until the union person arrives; deny the request, but end the interview at once; or give the worker the choice of going ahead without representation *or* ending the interview immediately.

- An employer who denies the worker’s request for representation and continues to ask questions is committing an unfair labor practice.

The worker can legally refuse to answer questions in such circumstances.

If the employer obeys the law and waits to continue until the union’s representative arrives, the following rules apply:

- Once the steward arrives, the supervisor must inform him or her about the subject matter of the interview — the type of misconduct under discussion.

- The steward and the worker should be allowed to talk privately before the questioning begins.

- The steward can speak during the interview and, if necessary, ask that questions be clarified. The steward cannot bargain over the purpose of the interview.

- The steward can advise the worker on how to answer any or all questions, can object to improper questioning, and has the right, once the questioning is ended, to provide additional information. The steward cannot tell workers not to answer questions, or to give false answers.

Be careful that you don’t give

Weingarten more power than it has. The rights do not extend to meetings where no questioning is involved, but rather just to one-way communication from the supervisor to the worker, or a discussion — without threat of discipline — about job performance.

At the same time, remember that workers *do* have the right to call their Weingarten rights into play if they have any reasonable

expectation that a disciplinary action may result from the meeting. The key word here is *may*. If there’s the slightest concern that the session could bring about discipline, the worker has the right to ask for union help even though the supervisor who calls the employee in may not be intending to take such action. If other workers have been disciplined for similar alleged situations, or if the

worker being called in has had a previous discussion with the supervisor about discipline, or is working under the threat of

a performance warning letter...any of these things can cause a worker to think that discipline may be an outcome of the meeting.

One final thing: along with being there to support the worker, you can be really helpful by taking complete notes of what goes on during the interview. If the case becomes serious, your notes can be invaluable in documenting who said what.

— David Prosten. The writer is editor of Steward Update.

## Weingarten Rights

**If this discussion could in any way lead to my being disciplined or terminated or have any effect on my personal working conditions, I respectfully request that my union steward, representative or officer be present at this meeting. Without union representation, I choose not to participate in this discussion.**



**T**he Family Medical Leave Act, signed into law by President Bill Clinton in 1993, covers tens of millions of workers of all kinds, virtually everyone in an American workplace that has 50 or more employees. The Act gives workers the right to be absent from work for a total of 12 weeks a year for three purposes: medical disability, family medical care, and newborn care. While the law seems straightforward, though, it can get complicated. The questions and answers here may help you, and your co-workers, get a better understanding of the boundaries, and make the most use, of this important law.

### No Choice but to Leave

**Q** When I asked for time off after my husband's stroke, my boss said the firm was too busy. If I stay home anyhow, can I be fired for abandoning my job?

**A** Not legally. A worker who is wrongly denied FMLA leave may not be punished for unilaterally exercising her time-off rights. If you are let go, you could sue for reinstatement and back wages.

### Overkill

**Q** I submitted a certification for intermittent time off over the next six months because of my mother's deteriorating cardiac condition. Yet every time I stay home with her, my supervisor says I need a note from her physician. Is this lawful?

**A** No. When a health care provider certifies a need for intermittent FMLA leave for a minimum period, such as six months or a year, an employer may not require the employee to produce further documentation unless circumstances change significantly, the employer receives information that casts doubt on the need for leave, or the employee requests an extension.

### Confidentiality

**Q** I submitted a certification to the Medical Department for a two-week leave due to a urinary problem. Can Medical tell my supervisor about my condition?

# FMLA Q&A



**A** No. FMLA certifications are confidential records. Their contents cannot be shared with supervisors unless the employee is seeking a work restriction or a job accommodation.

### ADHD

**Q** My 13-year-old son is under treatment for attention deficit hyperactivity disorder (ADHD). Can I take FMLA leave during the summer to watch him?

**A** Not necessarily. Your son must qualify as incapacitated. This means he must be unable to take part in the routine summer activities of a child of his age, such as swimming, riding a bicycle, and playing video games.

### No Luck

**Q** After being laid off three months ago, I had to drop my family health insurance. My wife is expecting. Can I get my coverage back by taking FMLA leave when the baby is born?

**A** No. Laid off workers are not eligible for FMLA leave.

### Hospital Visit

**Q** My father, who lives out-of-state, has just had a stroke. He is in the hospital. Can I take FMLA leave to visit him?

**A** Yes, if you will be providing physical care, psychological reassurance, or meeting with doctors to help make decisions about his medical regimen.

### Spouses Working for Same Employer

**Q** My wife and I work for the same company. Our nine-year-old daughter is gravely ill. Can we each take 12 weeks time off to care for her?

**A** Yes. The only restrictions on spouses working for the same employer involve new-child and parent-care leaves.

### Indirect Care

**Q** Our six-year-old son, Sam, is undergoing chemotherapy. Can I ask for FMLA leave to care for our two-year-old so that my wife can be with Sam?

**A** Yes. In a case that dealt with similar facts, a judge ruled that the FMLA encompasses a parent's absence that is necessary to ensure that an ill child is cared for.

### Appointments

**Q** My mother has emphysema. Can I take time off from work to drive her to medical appointments?

**A** Yes, but you must attempt to have the appointments scheduled at times that do not cause undue disruption. You must also provide advance notice.

### Big Day

**Q** Can a husband take FMLA leave to be with his wife while she gives birth?

**A** Yes, if he is providing physical care or psychological reassurance.

### Almost There

**Q** An employee with 51 weeks of service was badly injured in a car accident. He has one week of accrued vacation time. Can he take his vacation, satisfy the 12-month test, and qualify for FMLA protection?

**A** The regulations do not address this scenario but in one case a federal judge counted a paid vacation taken at the end of an employee's first year.

— Robert M. Schwartz. The writer is author of *The FMLA Handbook, 3rd edition*, from which this article is excerpted. The book is available through the book catalog at [www.unionist.com](http://www.unionist.com).

# Helping Newer Stewards

**B**eing a steward is a hard, often thankless job. It makes for high turnover in many unions — a sure recipe for a weakened union and a corps of seriously overworked veteran stewards.

It doesn't have to be this way. Experienced stewards can use what they've learned to bring newer stewards along — to mentor them with learning opportunities, resources, encouragement and support. Just as a seasoned mechanic shares the secrets of the craft with a new apprentice, so too can a veteran steward lend a hand to a newcomer. And the learning is two-way — the veteran steward can benefit from the fresh perspective of the new recruit. Here are some ideas on how to mentor effectively.

## Empathize and Support

In your initial conversations, reach an agreement with the new steward about your mentoring relationship. What would they like to get out of it? What do you hope to gain yourself? When will you get together to see how things are going? Note: A regular check-in time is useful!

Put yourself in the new steward's shoes. Remember what it was like when you had to handle your first grievance. You were probably nervous, self-conscious, unsure of yourself, and afraid of blowing the case for the member who'd come to you for help. Support the new steward with encouragement, positive comments about their commitment to the union and their efforts to help others. Acknowledge the skills they've already developed and assure them they'll continue to learn and grow.

## Listen

Here's a skill you've developed over the years that you've served as steward. You can put it to good use as a mentor. When

you get together, ask new stewards how things are going and let them talk about what's been happening, without judging or commenting. Paraphrase what you hear first; don't jump right in with explanations or answers. Sometimes just having the chance to talk without interruption will allow new stewards to "think out loud" and work their own way through a problem. Plus, it will help you develop some trust, so that new stewards will feel comfortable coming to you when they're stuck or have made a mistake.

## Intervene as Gently as Possible

At some points, you will want to step in with advice or direction. Try to remember that adults learn best if they figure things out for themselves, not when someone simply tells them the answer. The more you tell new stewards what to do, the more dependent they become on you.

When tempted to intervene with advice, stop and think: What is the lowest level of intervention that might work in the situation? From minimum to maximum intervention, your choices are:

**1** Don't do anything, especially if the result of the steward's making a mistake will not be serious. The steward will learn from mistakes!

**2** Just ask questions. Ask questions for your own clarification and to help the steward learn to think through a problem. "This is an interesting argument you're making on this grievance form. Why did you choose the discrimination clause as the basis for the grievance? Is that the only language you think applies in this situation?"

**3** Suggest choices. This is useful when the steward is facing a new situation and having trouble

deciding what to do next: "You have several ways to go with this safety issue. You could confront the supervisor now, you could do some more investigating on your own, or you could get with the workers in that department and see if they have ideas about correcting the problem and would be willing to approach the supervisor with you. What do you think would work best, and why?"

**4** Suggest particular ideas or action. Don't do this unless the steward is at a complete loss about what to do next or is extremely discouraged or low-energy. For example, "When I've had to deal with a suspension like this, I've always made it a point to check out how other workers have been treated who've committed the same offense. The personnel office has good records on absenteeism disciplines." This is a strong intervention that denies the new steward the chance to think through the situation and may encourage dependence. Your goal is the opposite: to get the steward functioning independently from you.

**5** Give an explicit direction. This is the most forceful form of intervention and should not be used unless all else has been tried and failed, and when time is short. "Word the grievance like this and file it NOW. The time limit is up at 5:00 p.m. today!!" Some people will be relieved when you do this, but they won't necessarily do it right the next time, either. Others may be angry. Still others may resign.

Your mentoring efforts will pay off when you see new stewards handling their own grievances with confidence and competence. You'll have helped them reach the potential that was inside them all along, and you'll have a more manageable workload yourself!

— Barbara Byrd. The writer is the Portland coordinator of the University of Oregon's Labor Education & Research Center.

**Mentor new stewards with learning opportunities, encouragement and support**



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OFFICE OF THE INTERNATIONAL PRESIDENT

Brothers and Sisters,

As we head into the closing months of 2006, you can be proud of the work you have done as shop stewards. You were at the front lines of a critical effort to advance pro-worker issues and elect pro-worker candidates in both the United States and Canada. You brought new energy and commitment to the IAM's revitalized organizing efforts. And, every day, you helped thousands of IAM members by making sure that their rights were protected in the workplace.

The right to union representation is an important issue addressed in this edition of the IAM Educator. As stewards, you know how important union representation is for our members. The sad fact is, however, that most working men and women in North America don't have union representation. Each and every IAM member has a responsibility to help change that. We must all help make the IAM a vibrant and growing union. Only through organizing can we protect our members' existing rights and bring the rights and benefits of union representation to the millions of unorganized workers in North America.

I know your job as a shop steward is not an easy one and I commend you for the outstanding job all of you do. To help you do your jobs as stewards, I urge you to take advantage of the full range of classes being offered at the William W. Winpisinger Education and Technology Center, which has been an international leader in labor education for more than 20 years. The official call for 2007 Leadership and Specialized Classes was mailed to all lodges in September, 2006 (also available at <http://winpisinger.iamaw.org>). New to the Leadership program in 2007 are two sessions of Spanish Leadership I as well as new staff programs addressing organizing topics. Education is the key to effectively representing all of our members and organizing new members.

I look forward to working with all of you to continue to build our union in 2007.

In Solidarity,

R. Thomas Buffenbarger  
International President



# Seats are filling up fast for the 2007 Leadership Programs



*Openings are still available at  
Winpisinger Education and  
Technology Center for:*



Leadership I  
Leadership II  
Advanced Leadership  
Train-the-Trainer



# Don't Procrastinate!



Contact your Local Lodge President  
immediately to inquire how to enroll.

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