

# TAMI

E D U C A T O R

Update for Stewards Vol. 3, No. 6

## A Steward's New Year's Resolutions



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**N**ew Year's resolutions don't all have to be about losing a few pounds, being nicer to your in-laws or spending less time in front of the television. For stewards, they can be about how to improve your game and get more enjoyment out of the job. If you don't already have your own list of resolutions in your locker or desk, here are a few ideas.

## Get Organized

If you've got paper coming out your ears, you can't find your notes from an important case and you get calls from co-workers at all hours of the day and night, it's time to do something about it. If you don't have some kind of filing system, put one together. It'll take you a few hours, maybe, but it will save you days and even weeks down the road. As for those calls, make sure your co-workers know that you're available to help at a moment's notice in emergencies, but if it's a question that doesn't demand fast action they should catch you on break or at a prearranged time by phone.

## Get Help

Resolve to involve your co-workers more in the work of the union. Remind yourself that the union is everyone, not just the stewards and the elected officers. When a worker asks you for help, think about what you can do to involve that worker in the process, so that he or she is helping you win justice. Maybe the worker can resolve things without your help at all, with just a little guidance. In a union setting, the more the membership is involved the stronger the union is. Don't allow yourself to be "Mr. Fixit," the person to whom everyone comes with the expectation that you'll make it all better.

## Be Nice

As much as it may hurt, remind yourself that you have the legal responsibility to represent *every* worker to the best of your abilities. The Duty of Fair Representation requires it, and you can get yourself, and the union, in legal trouble if you refuse to help someone because he or she is a pain in the neck, anti-union, personally offensive... or all of that and more. If the person complaining doesn't have a legitimate reason to complain, say so and move on. But if the complaint is justified you must try to help.

## Talk to Those New Workers

Sometimes our best intentions fall by the wayside. If you're not personally welcoming each and every new worker assigned to your area — and doing it on his or her first day — you're dropping a huge ball. The average worker coming into a unionized environment these days knows next to nothing about the union and its work, and thinks that the wages and benefits they're receiving come because the boss is a nice guy. Spend some time with new workers and encourage them to learn about and get involved in the union's work.

## Report Back

Make sure your co-workers know what's going on in the union. If they don't all go to meetings, have meetings of your own, on break, and tell people what's new. The more they know and understand, the stronger will be the union, and the easier it will be for you to be an effective steward. It doesn't have to be strictly internal news that you're sharing, either. Don't hesitate to be sure people know about what a lousy employer Wal-Mart is. If your member of Congress consistently

votes against the interests of working people — or, is a great guy or gal and is really helpful — share that news. If workers down the street are having trouble with their employer and their union has asked your union to help, by supporting a boycott or picket line or in some other way, be sure your co-workers know.

## Be Cool

Resolve not to let it all get to you. You're no good to anyone if the stress of being a steward makes you crazy, to the point where you're mad at everyone, your family life is being affected by it and you've got killer headaches. If you find this happening, slow down. Seek help from the union officers, where appropriate. Don't get upset with yourself when it all doesn't work out perfectly. No one wins them all.

## Do It Now

Little problems have a tendency to become big problems if they're not acted on, so resolve to deal with things before they get out of hand. If a grievance is lost and the grievant should be hearing the news from you, let him know right away. The longer you wait, the worse it will be. If paperwork has to be filed by a certain time, resolve to do it a day or two or three before the deadline rather than face that all-too-familiar last-minute panic. If you're going to talk to a school or community group about the union, get your notes together well before the event and give yourself a dry run beforehand.

## Share Knowledge

Too many stewards get caught up in the confines of their own jobs and their own work areas and fail to communicate with other stewards and other unionists. There's a lot to learn by sharing, and a lot of support to be gained. Reach out to other activists and exchange information. The problems you're facing are more than likely problems they've faced over the years and dealt with, and chances are that you've worked out solutions to some of the problems they're facing. If you don't have a support network, build one. We're all in this together.

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

# Helping Troubled Co-Workers

**W**hile most steward duties involve the routine of making sure the union contract is honored, it's not unusual to find yourself serving in the role of Dear Abby, trying to help co-workers deal with personal problems that find their way onto the job. It seems to come with the territory.

The challenge is, how do you help people with personal issues, without being seen as a busybody? The answer is that while you may not be a trained social worker, you can still play an important role by referring troubled co-workers to the Employee Assistance Program (EAP), or its equivalent, available through most union contracts. Your action not only will help the folks going through bad times, it may well benefit everyone else in the workplace as well.

So, what do you say to a co-worker who seems headed for trouble? How do you make a referral without being seen as judgmental or intrusive? When should you push the issue? When should you back off?

Some scenarios presented later in this article may give you a sense of possible approaches. First, though, be sure you're aware of the services offered by the EAP in your workplace. If there is no EAP, look for counseling and other services available in your community that might be of help. When making a referral, have a brochure to give to the troubled co-worker.

EAPs are comprehensive programs offered as a benefit to employees. Generally, they provide 24-hour crisis intervention, assessment, short-term counseling, and referrals to helpful resources within the community. Problems addressed usually include substance abuse, mental health concerns, workplace stress, financial difficulties, family and relationship problems, marital difficulties, physical illness, loss, trauma,

and a host of other life stressors. EAPs also address workplace concerns created because of the problems of another person, such as a boss's drinking problem, a co-worker's chronic lateness, a spouse's illness, or a child's academic troubles. Services are usually offered to family members as well as to the employee. Services are confidential and most EAPs offer counseling off site, so employees feel more comfortable using them without being "spotted."

If you become aware of a troubled employee, or another co-worker reports that someone is in trouble, let go of fears you may have about being seen as a busybody. Most people in pain welcome the inquiries of a concerned person, and need to be reminded that help is available.

So, here are examples of how you might intervene:

## 1. A Cautious but Willing Worker

"Hey, Johnny," you say. "You got a second?" (Johnny says yes.) "I'm worried about you, friend. I hear you and Maggie broke up and that your dad passed away. You're not doing well. I hear you showed up the other day with a major hangover, and you put other people in danger. You're not a drinker, Johnny." (Johnny is silent.) "OK, look, you don't have to talk to me, but I want you to know there are places to go to get help." Give him the brochure. He takes it and puts it in his pocket. "They're good at the EAP. You can go there and talk to somebody, and they'll help you cope with what's going on. It's free. It's private. Give them a call, OK?"

Later, you check on him, and Johnny tells you he saw a counselor and he thinks it will help. He thanks you. With everything going bad in his life, he doesn't want to get into job trouble too.

But what if the co-worker is more resistant? In that case, be prepared to push a little bit.

## 2. The Resistant Worker

"Hey, Wanda. You got a second?" She says she's busy. You know that she's in trouble, so you don't want to be put off. "OK, so if now is not a good time, when would be?" Wanda challenges you about why you want to talk. You tell her: "As your steward, I want to talk with you about your getting in trouble with the boss. Remember, I'm on your side." She finally agrees to talk to you.

You come with the EAP brochure in hand, prepared to name the troubling behavior. "People say you're spending hours on the phone, fighting with your husband. It's affecting not just you but all the people who work around you. The supervisor is going to come down on you, if he hasn't already." Wanda starts to respond, angrily. Interrupting her, you say, "Look. I'm a steward, not a family counselor. But did you know that the EAP can help you out? They do have family counselors there, and it's free. You need to get some professional guidance here, Wanda. Here's the brochure. It's the smart thing to do. Or do you want to let that jerk of a husband control your life, and make you lose your job? Then what would you have?" She's mad, but she takes the brochure and says she'll go. Score one for you.

## 3. A Need to Hit Bottom

Ultimately, you've got to understand that not every worker will accept help. Try as you might, you won't be able to get through — and there's nothing you can do about it. All you can do is hope that the worker will find his or her "bottom" and get assistance. Don't blame yourself: you tried.



To sum up, with a combination of knowledge, compassion, chutzpah, and humility, you have the tools to make a good referral to your workplace EAP, with improved odds that your co-worker will follow through and actually get the needed help. And if you have trouble finding the right words to use, the EAP can also help you with that.

— Margery Siverton, LCSW. The writer is a Maryland counselor specializing in personal and relationship problem-solving.

# Turning Dues Payers into Unionists

**S**ome of today's younger union activists may find it hard to believe, but it wasn't that long ago that there was no such thing as a union shop or the automatic checkoff of union dues. If stewards wanted their unions to survive and stay strong, they had to constantly sign up new members. And they had to collect union dues from each member, one-on-one and face-to-face, usually every month.

The good news is that things are a lot easier for stewards today, thanks to the right to negotiate union shop language in contracts, and to automatic payroll deduction of dues. But in a very real way, that *good* news is *bad* news too.

Why's that? Because while stewards are relieved of the difficult and demanding tasks of organizing and dues collection, and can devote their time and energies to taking care of all their other union responsibilities, they also risk ending up with a workplace inhabited by dues payers only, and not workers who consider themselves unionists. And without the rank and file identifying as union members and acting every day as if it's their union, we never can build up the strength to take on the boss and win in contract negotiations or during other critical times.

So how can we make sure that our co-workers are unionists, and not just dues payers?

## Start on Day One

The first day on the job, every new worker should be greeted in person by a union messenger — their steward — with the union message: this is an organized workplace, and the union is me and you. Some contracts provide time for a union orientation. Even if yours doesn't, make

the time for a personal contact during a break, or set up a union lunch on the first day. Think about the negative impression that's created when a new worker's very first contact with the union is opening an envelope and finding a dues checkoff card, with instructions saying, "Sign here, agreeing to hand over part of your paycheck to The Union every month, or lose your job!"

**The first day on the job, every new worker should be greeted in person by a union messenger... with the union message**

## Educate...and Learn

Most stewards keep in mind how important it is to make sure that members regularly get news they can use about what the union is up to.

But we sometimes don't remember that the information needs to flow

both ways. Part of a steward's job is to get periodic performance evaluations from the members. We need to find out what they want their union to be, and what they want the union to do differently. When we figure out — with the help of our members — what concerns the union should be addressing from this point on, we've taken the first step toward getting each member to participate in the day-to-day life of the union.

## Involve Everyone...All the Time

The union works when all of its members take an active part in union-identified activities. When your co-workers "walk the walk," and don't just "talk the talk," both they and the employer know and can see that the union is all the workers, not just a few people.

To get everyone involved, you'll need to take some time to get to know folks individually, to find out what everyone's strengths and interests are. You'll find that one person is a natural to write for the union newsletter, but another is a made-to-order membership recruiter.

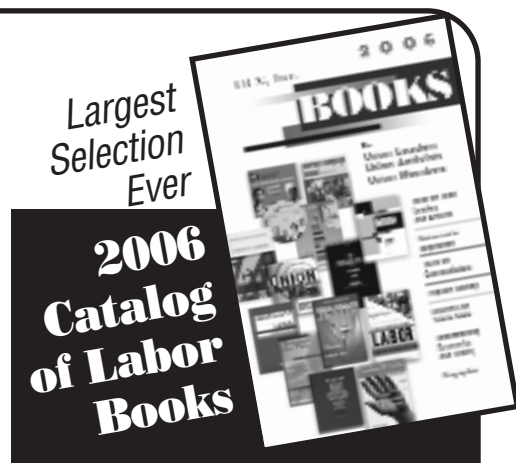
Don't limit yourself to linking up each person with a union advocacy task. If you've got someone who's capable of and interested in organizing a union bowling outing, that's great; it will help that member feel a part of the union, and will create an activity that will help others see that the union is more than just an insurance policy for job security.

So if you want to change dues payers to unionists, get everyone involved in the union. Change spectators into participants!

— Michael Mauer. The writer, a veteran union staffer, is author of *The Union Member's Complete Guide: Everything You Want – and Need – to Know About Working Union*. A version of this article appeared in *Steward Update*, Vol. 7, No. 6.

- Tools for Union Activists & Leaders
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**I**t's the rare steward who won't have to deal at some point with a discipline or discharge case revolving around the refusal of a job assignment or overtime.

As a general rule there are just two situations in which a worker might legitimately refuse to carry out an assignment. First is a case in which the person issuing the order was not officially responsible for ordering others to do the work in question. Second is when the worker accepting the assignment would be exposed to a clearly unsafe or dangerous hazard.

Still, arbitration decisions show, there's often hope for workers caught up in cases involving refusal to follow orders. There may have been extenuating circumstances, so a good investigation should be carried out. The employer may have botched their investigation, not followed due process, or otherwise screwed up.

#### Overtime Cases

A worker went bowling instead of working overtime as requested. The company first reprimanded and then fired him, and the arbitrator upheld the discharge. He said the employee fabricated an illness excuse and then submitted statements he knew were false to justify his absence.

An employee was fired for walking off the job before the end of an overtime shift. He said he had worked "long and onerous hours" as defined in the contract. The arbitrator upheld the firing. He said that "long and onerous hours" under the contract meant more than 16 consecutive hours. Once on the job, however, employees are not permitted to leave the work shift early. The arbitrator noted further that the worker was a short-term employee, so his lack of a prior disciplinary record did him no good.

An employee was suspended for refusing to work mandatory overtime the day before his vacation was due to start. The company called it a "work stoppage." The arbitrator said the company lacked just cause for the suspension, noting he did not refuse to work in concert with anyone else, and the attendance policy

specified that the penalty for refusing mandatory overtime was loss of attendance points.

An employer began reviewing workers' time records to see who was refusing voluntary overtime, and later disciplined some for continuing to refuse. The arbitrator supported the company's revised policy, noting that it was having trouble getting enough employees to volunteer. The union argued that the employer did not prove it was harmed by employees' continued refusal to work overtime. The arbitrator replied that the union did not grieve an earlier written warning and two-day suspension, so disciplinary action was not precluded just because no harm resulted.



**Don't Just Say "No"!**

In another case, a worker was suspended for 45 days for refusing to work mandatory overtime. The arbitrator upheld the suspension, saying the worker was aware of company rules and the labor agreement, and common sense dictates that a rule barring employees from refusing an order to work is reasonably related to orderly, efficient and safe operation of the employer's business. The employer conducted a thorough, fair and objective investigation of the employee, and all who were involved or witness to events were interviewed by the personnel manager. Further, the arbitrator noted that the grievant was not disparately treated since no other employee walked out on mandatory overtime without permission.

A worker was suspended for "neglect of job" and given a final warning. The arbitrator reduced the penalty to a written reprimand, noting that the grievant violated a "minor" rule by refusing to work a "reasonable amount of overtime." The employer failed to prove a "major" infraction of "neglect." Therefore, the suspension was deemed unduly harsh and onerous and inconsistent with the principle of progressive discipline.

#### "Refusal" Cases

A worker did not immediately report for a call-in as ordered and was terminated. The arbitrator put him back to work, since the employee had said he would report in as soon as his hair conditioning treatment was completed, and did so. At the time he was called, he told his supervisor his hair was heavy and wet and he wouldn't come to work until his hair was dry.

An employee refused to work with a co-worker and was fired. The arbitrator upheld the termination. He said that while an employee may refuse to work with another where faced with an "intolerable affront to the employee's personal dignity and emotional well-being" the co-worker's comment to the grievant to measure a bolt did not amount to that level of affront. He also noted that the employee had prior suspension and two warnings on record, and did not disclose emotional stress during the investigation and he had not sought professional help.

**K**eep these principles in mind when dealing with cases involving refusal of assignments:

- The discipline must be reasonable and not excessive, capricious or discriminatory.
- Unless the first offense is outrageous or could result in physical harm, arbitrators generally expect employers to operate within the concept of progressive discipline.
- The most important extenuating factor that arbitrators consider is the employee's past work record.

— George Hagglund. The writer is Professor Emeritus at the University of Wisconsin - Madison

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OFFICE OF THE INTERNATIONAL PRESIDENT

Brothers and Sisters,

As you get set to embark on a new year, you can look back on 2005 and be proud of the work you have done as shop stewards. We've taken hits from greedy corporations, the most anti-worker administration and Congressional leaders who have forgotten about the American worker. We have survived and with your help we will build a bigger, stronger union for the future.

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. The official call for 2006 Leadership and Specialized Classes was mailed to all lodges in November, 2006 (also available at <http://winpisinger.iamaw.org>). Education is the key to effective representation and the Winpisinger Center has been the leader in labor education for more than 20 years.

We have a lot to do in 2006. There are 35 Governors' mansions, 33 Senate and 435 Congressional seats at stake next November. Register your members to vote and sign them up as sponsoring members of the Machinists Non-Partisan Political League. Talk to your co-workers and let them know how important it is to vote and change the current anti-worker philosophy that walks the halls of power.

We also have to make organizing part of our everyday life. The right to choose a union is no less important and every bit as valuable as freedom of speech or freedom of assembly. It is the responsibility of every IAM member and representative to help grow this union.

I know your job as a shop steward is not an easy one and I commend you all for the outstanding work you have done. Years from now, we will look back on 2006 as the pivotal year in the transformation of the IAM into a high performance organizing union.

In appreciation and solidarity,

R. Thomas Buffenbarger  
International President



The IAM Educator Update for Stewards is published six times a year by Union Communication Services, Inc. (UCS), Annapolis, Md., in partnership with the IAM's William W. Winpisinger Education and Technology Center, 24494 Placid Harbor Way, Hollywood, MD 20636. For information on obtaining additional copies call 301-373-3300. Contents copyright © 2005 by Union Communication Services, Inc. Reproduction outside IAM in whole or part, electronically, by photocopy, or any other means without written consent of UCS is prohibited. David Prosten, editor and publisher.

