

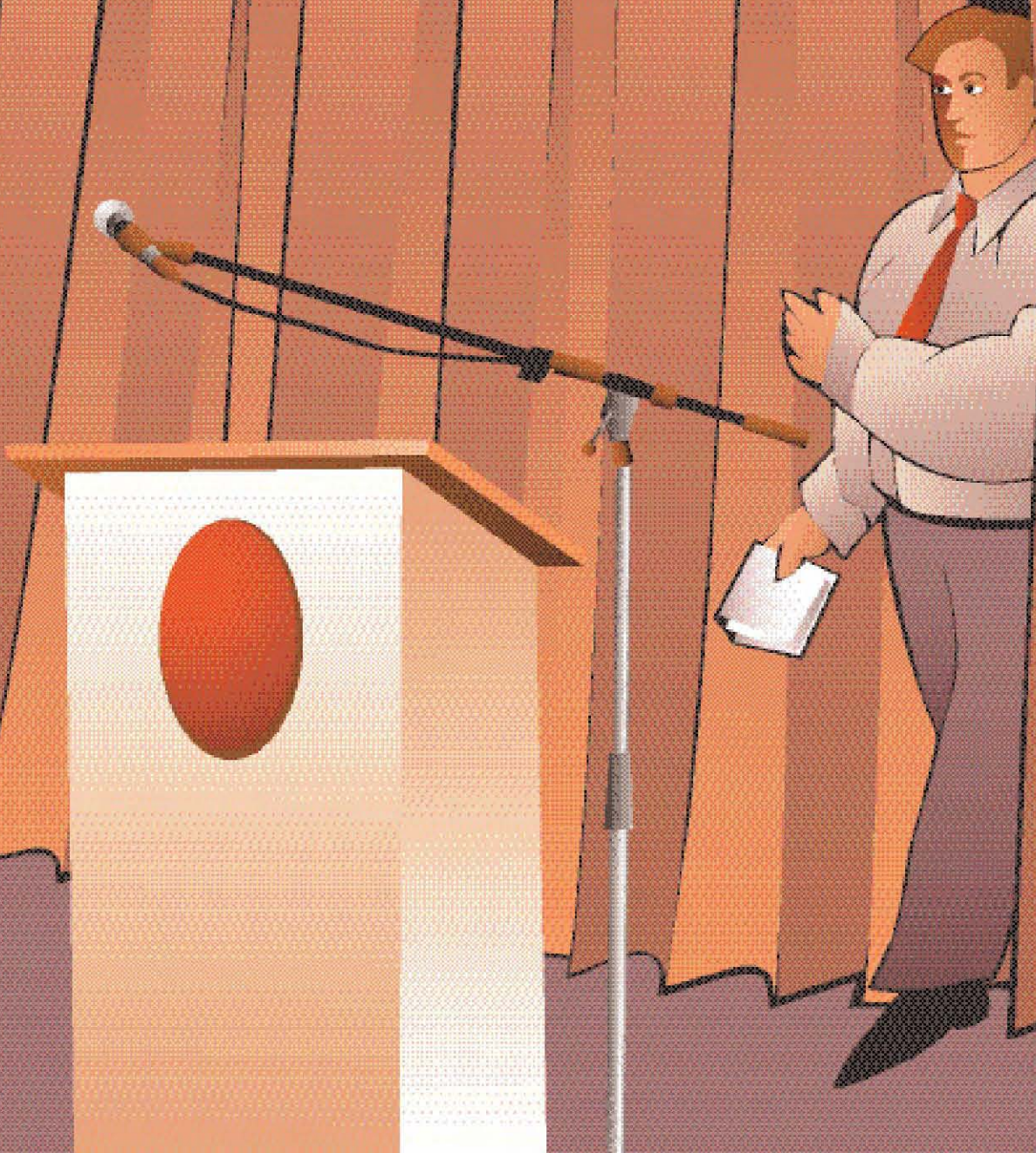
IAMI

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Update for Stewards

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Stewards as Speakers



Stewards as Speakers

Jerry Seinfeld has a little riff that goes something like this: “I read a study that says that speaking in front of a crowd is the number one fear of the average person. I find that amazing. Number two was... death! *Death* is number two? That means, to the average person, if you have to be at a funeral, you’d rather be *in* the casket than giving the *eulogy*!”

Maybe you can relate to this fear. Does your nervousness come out in physical ways? Perhaps you have trouble breathing, shaky legs, “dry mouth,” or you ramble on. Or, your fear may come out as procrastination — putting off preparing.

Most of us do “public speaking,” without calling it that, when we talk to members, management, or even when we tell jokes. And if you have kids, you’ve probably had *plenty* of opportunities to sharpen important communication skills — like speaking loudly and passionately!

When is public speaking hardest? Often it’s when we:

- speak with someone we view as “superior” or powerful (a supervisor, an “expert”);
- fear being judged (I’ll mess up, I don’t like my looks, I’m an “imposter”);
- speak on a new or unfamiliar topic;
- have not prepared or practiced.

Finally, we are much harsher judges of ourselves than others are. Nobody expects you to speak like Seinfeld or Martin Luther King! Try to appreciate and highlight your own good qualities. And, if you follow these tips, preparing a speech should get easier.

Find Out About Your Audience

What is the audience’s age range, gender and racial mix? Are they union members? What are their concerns, attitudes or expectations? Your words and style should be shaped for each audience. You should also find out details about the event at which you’re speaking.

Know Your Goals

What do you want your audience to *think, feel, and do*, by the end of your speech? How can you motivate them? What attitudes do you want to convey? How can your speech help encourage member participation?

Write Down Your Ideas

Begin preparing as soon as possible. If you speak *often* on a topic, keep a file on it. Collect union newspapers. Do research on the Internet. Find out how this issue affects your members. The more you know, the easier writing and speaking will be.

Next, brainstorm ideas, without censoring yourself. Maybe you feel uncomfortable writing, but no one else needs to see your notes. Write as if you were talking to a friend, in short “conversational” sentences. Review your notes and group the related ideas together. Add in facts, examples, and stories to illustrate or prove your points. Stories of real people are compelling and it’s worth the effort to weave them into any speech. Begin to say your speech out loud and start to edit out unclear, clumsy, or irrelevant points.

Now that your draft has taken shape, it’s time to write the beginning! Usually, if you save this for last, you’ll hatch an idea of how best to “hook” your audience. Think of a strong opening: a member’s story, a relevant news item or personal information (especially if it helps establish your credibility). If it *really works*, try humor. A good opening is key — that’s when the audience forms an opinion of you.

Outline Your Speech

After you finish your final draft, you are ready to make a good outline. *Reading*

speeches is uncomfortable for the speaker and the audience. A “Key Word” outline allows you to glance at notes *without* reading. With a dark marker, write enough words from each section so that a brief glance will remind you what you plan to say. Write very large, on regular paper. Start with who you want to thank (your audience, your hosts) and anything you want to say about yourself. Spell out your key points and best phrases in some detail. Just writing “review contract” is not detailed enough. Use bright colors to highlight important words and “emphasis” words. Finally, add specific reminders to yourself like, “Pause,” “Smile!” or “Breathe!”

You can put your notes on a table or hold them at waist level, read them from a distance, *and still make frequent eye contact*. It is crucial to connect often with your audience — and no one will care that you have pages of notes if you handle them quietly and speak clearly and confidently.

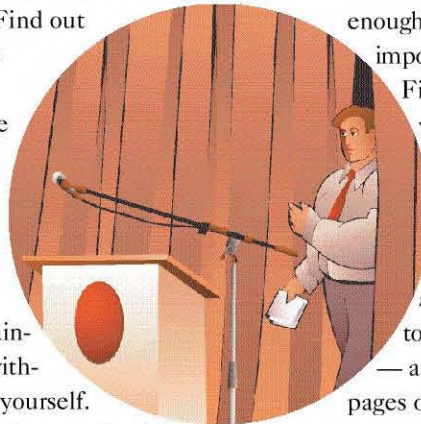
Stand and Deliver!

To polish the delivery of your speech, practice it frequently, out loud, and with expression. Time yourself. Before the actual speech, take time alone to relax and “warm up.” For example:

- stretch out your neck, shoulders and back; breathe deeply from the diaphragm;
- warm up your voice by loudly humming, singing, and saying tongue twisters. Give yourself positive mental messages.
- chat with members of the audience before you begin. The room will feel friendlier.

Always carry water with you. A well-lubricated voice is clear and projects loudly. And, if you need a moment to focus, just take a sip! Begin your speech when you have everyone’s attention. And finally, don’t call attention to your mistakes — just smile! A smile is worth a thousand words.

— Laurie Kellogg. The writer is a freelance teacher of public speaking for union advocates, and works part time for the United Steelworkers of America. She can be contacted at: laurieannekellogg@hotmail.com



Refusing Dangerous Assignments

It's an old saying in the labor movement that workers should not be forced to choose between their jobs and their health and safety. But workers across North America are forced every day to take work assignments that threaten their health, their safety, even their lives. By refusing these assignments without the support of a union, workers are likely putting their jobs on the line.

And you can't just say "no." Although most Canadian workers have the right to turn down unsafe assignments, in the U.S. you can be fired for doing that faster than you can say "OSHA." Such action is entirely illegal, but enforcement is toothless and employers know it. Studies in the U.S. reveal that more than 90 percent of complaints filed by workers claiming retaliation for exercising health and safety rights are decided in favor of employers.

The Laws are Stacked

The fact is, the laws are stacked against individual workers in the U.S. who elect to exercise their rights to a safe and healthful workplace, action that almost always results in "blowing the whistle" on employers.

If an employer fires or disciplines a worker for refusing an assignment that poses "imminent" danger, the worker has 30 days to file a discrimination complaint with the Occupational Safety and Health Administration (OSHA) or 180 days to file with the National Labor Relations Board (NLRB). The problem is, there's no time limit on the government's resolution of cases. As two OSHA inspectors once put it, "Whistleblower cases languish in a bureaucratic black hole." And when cases are finally decided, nearly all are judged in favor of employers.

Moreover, union activists know that the chances a fired worker will be able to endure a long court battle are slim.

Confronting a Hazard

The good news is that collective action — backed by a strong union contract — makes confronting hazardous work somewhat less risky for union members. Contracts can include a variety of provisions for stopping unsafe work, from general statements of the employer's duty to provide a safe workplace to specific language about the right to refuse unsafe assignments. It's also legal to have a contract clause outlining protections against discharge or other retaliation for workers who exercise health and safety rights.

How can stewards advise workers faced with the immediate peril of unsafe, unhealthful or even life-threatening assignments? Here are six points to keep in mind.

1. Notify the union. The first thing stewards should do is look for help. Contact your union's health and safety department to develop a strategy for correcting the hazard. If your union has no safety and health resources, you can try the nearest Coalition on Safety and Health ("COSH") group. You can find COSH groups on the internet at www.coshnetwork.org.

2. Don't act alone. Talk to all workers affected by the hazard. As always, it strengthens the union position if there is collective action. Prepare for an antagonistic response, even if you don't expect one.

3. Tell a Supervisor about the hazard. Make clear that there is imminent danger as defined under OSHA Section 13 (a) — a hazard that can "reasonably be expected to cause death or serious physical harm immediately." In the U.S., unlike

all Canadian provinces except Alberta and Newfoundland, you have the right to refuse hazardous work only if you have asked that an imminent danger be corrected and your employer has refused to take action.

4. Don't refuse to work — refuse unsafe work. Remind workers to accept an assignment on the condition that the job is made safe, or offer to do other work. And make sure they don't leave the job site unless ordered to by the employer.

5. Keep good records. Keep dated notes and names of witnesses, and make notes of oral interactions with the employer. When in doubt, write it down.

6. Be prepared for tension. Help your co-workers understand that beyond the risks of getting fired and other forms of payback by employers, there may well be an emotional price for speaking out about unsafe work. Employers may try to isolate whistleblowers or intimidate them into silence. Friends may turn against friends. Don't be caught off-guard by a hostile response to a simple question or complaint about safety.

Responses to Discipline

If someone in your bargaining unit is fired or otherwise disciplined for refusing a dangerous assignment, there are several strategies stewards can use to win reinstatement.

1. Use the union's grievance procedure, arguing that the employer did not have "just cause" to discharge or discipline the worker.

2. In the U.S., file an unfair labor practice charge with the National Labor Relations Board under Section 8 (a) (3). You've got 180 days to do it, but beware: It can take years for the NLRB to settle a work refusal case.

3. File a discrimination complaint under Section 11 © of OSHA. You've got just 30 days to do it, though, and the outcome of this lengthy process will be a modest back-pay award and reinstatement. You can contact the nearest OSHA office by dialing 1-800-321-OSHA.

— Jim Young. The writer is a journalist specializing in workplace safety and health issues, now on the staff of the Labor Institute, a nonprofit labor education organization in New York City.

Defending Dues

There's no getting around it: most union members don't like to pay dues. To many, dues are just another deduction from their paycheck, no different from federal or provincial or city taxes, no different from sales taxes or use taxes or any other tax.

Of course, people who stop to think about it see that taxes pay for the highways they drive on and the police who protect them and the schools that educate their children. Taxes help assure that the water their families drink is pure and the food they buy at the market is safe to eat.

The also pay for helping people — the survivors and the families of those who didn't make it through the horror — get back on their feet after natural disasters like Hurricane Katrina or manmade disasters like the terrorist attacks of September 11, 2001.

But people *don't* stop to think about it, no more than as union members they consider how, without dues, there would be no professionals to bargain new contracts or lawyers to pursue arbitrations. Nor would there be anyone to turn to when a worker is unfairly docked or disciplined: no trained representatives to take their side when things got bad. Workers would be at the mercy of their employers — and more and more employers today are showing no mercy whatsoever.

So how does a steward deal with the member who pays his or her dues or agency shop fee, but gripes about it non-stop? How does a steward in a "right-to-work" situation convince people to join and stick with the union?

You could consider offering these thoughts next time the issue comes up.

Dues and Taxes

Make the comparison between taxes and dues. People may not like paying taxes, but without them there would be no roads. People still drive on those roads, though, and couldn't function without them. Likewise, they still count on firefighters to respond if their house or apart-

ment burns. They *use the services* that tax monies support, even though they're not crazy about taxes. Likewise, they *benefit* from the union's work, even though they might not like paying the dues that make the union's work possible.

Dues Bring Specific Benefits

If workers don't like paying dues, then presumably they don't like the very things that dues bring: job security, raises, vacations, health insurance and pensions, and so forth. Examine your contract, and next time someone starts on about "those damn union dues" be prepared to list some of the benefits that wouldn't exist without the union.

Compare and Contrast

Do some legwork and study up on wages, hours and conditions at another employer — a *nonunion* employer — in your community, one that could reasonably be compared to your own in terms of the kinds of jobs people do. Be prepared to show your members what the job protections and wage and benefit differences are between the two, and make it clear that the union — and thus *dues* — are the reason for those differences. Maybe you can even get your hands on a paycheck stub from the other workplace, and show it as evidence.

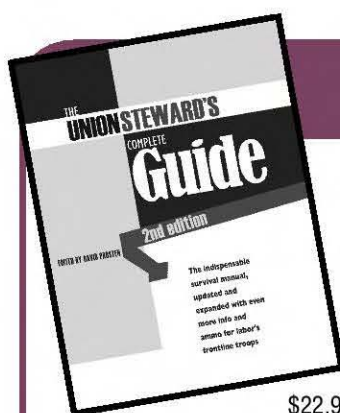
Run the Numbers

Give them some statistics. In the United States, in 2004, union workers' median weekly earnings were \$781 — 28 percent higher than the \$612 average of nonunion workers. In 2004, 73 percent of union workers had access to a guaranteed (defined-benefit) pension, while just 16 percent of nonunion workers did. Ninety-two percent of union workers had access to health insurance, while only 68 percent of nonunion workers did. And, if you want time off to think about all this, keep in mind that union workers received an average of 15 days of paid vacation in 2004 — 28 percent better than the 11.75 days of paid vacation enjoyed by nonunion workers.

"OK, Give It to Charity"

In "right-to-work" situations, it's rare that the nonmember simply admits the truth: he or she would rather spend the money on something else than pay a fair share toward helping the union run. Instead, they get all righteous and couch it in terms like, "I don't *believe* in unions," or "I can represent myself, I don't *need* the union." In these situations, a lot of stewards respond by asking them to sign a form that declares that since they don't believe in unions and want to represent themselves, they will turn over to charity any financial gains the union contract brings them. It's the rare person who signs the form, and it makes a lot of people think twice about their free-rider status.

— David Prosten. The writer is editor of *Steward Update* and *The Union Steward's Complete Guide*.



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Experienced stewards understand that they'll never know it all: new issues, problems and situations constantly arise. Below are some questions posed by stewards to labor attorney and author Robert M. Schwartz, followed by his answers. Read this article and we guarantee you'll come away with a new understanding of some things you can and can't do in your role as a steward — and you'll have an ammo belt full of new tactics, as well.

Employer Survey

Q. The day after the union filed a grievance against a change in uniforms, a supervisor went around asking workers if they agreed with the grievance. Is this permitted?

A. No. Going around the union to gauge support for a grievance violates the duty to bargain in good faith. Instruct your members not to answer.

Building a Case Against a Steward

Q. The hospital director thinks I am telling nurses not to work overtime, which is voluntary under our contract. Can she question them about my instructions?

A. No. Interrogations about union activity are lawful only if the activity violates the contract or exceeds the bounds of protected conduct. Employees who are subjected to illegal questions can refuse to answer, or can even answer falsely.

Charging a Steward with Harassment

Q. A union member told supervision that a co-worker was taking naps on the job. When I warned the worker that the union could expel her for informing, she told Human Relations that I harassed her. Company policy defines harassment as "any unwelcome action, intended or not, which is considered offensive by another employee." Can the company take action against me because of the complaint?

A. Not legally. Unions may insist that members follow union rules barring members from harming other members. Counseling solidarity is protected by the National Labor Relations Act. Unless you were violent, used excessive profanity, or

Some Steward Q&A's

engaged in other egregious misconduct, it would be unlawful to punish you or even to require you to attend an interview about the incident

Sneak Attack

Q. The company is looking to get rid of me because I file too many grievances. If they review my job application and find discrepancies, could they fire me for false statements?

A. Not legally. When an investigation is initiated for a discriminatory reason, such as to remove a militant steward, evidence that turns up cannot serve as a basis for discipline.

Grievant Immunity

Q. When a grievant asks for records or attends a grievance meeting, does he enjoy the special protections that apply to stewards?

A. Yes. In one case, a grievant was suspended for using the term "bullshit" when arguing with a supervisor over records. The Board ordered reinstatement and back wages.

Pre-hearing Interrogation

Q. An arbitration hearing is scheduled for next week. If a union member is summoned to meet the company lawyer, does she have to answer questions about the case?

A. No. Employees cannot be forced to answer questions about a matter currently being arbitrated.

Contract Expiration

Q. Our contract expires next week. If we refuse to extend and work without a contract, will we still be able to file grievances?

A. Yes. Despite contract expiration, an employer must bargain with the union

over grievances and supply relevant information. Usually, the only portion of the grievance procedure that is in jeopardy is the right to take matters to arbitration.

Parking Lot Leaflet

Q. A security guard ordered me to stop putting leaflets about a grievance under windshields in the employee parking lot. Is this an unfair labor practice?

A. Yes. A union has a right to distribute literature in nonworking areas if it does not disrupt operations or production.

Once Is Enough

Q. A Labor Board agent says the union must renew its information request before it can file an unfair labor practice charge. Is he right?

A. No.

Summary Is Not Enough

Q. When we asked for interview notes for a promotion grievance, management produced a summary. Do we have a right to see the originals?

A. Yes. A union can insist on original underlying notes or records. It does not have to accept a summary made by company officials.

Candid Cameras

Q. Can an employer install hidden security cameras inside a facility without prior notice to the union?

A. No. Hidden cameras are a mandatory bargaining subject. Management does not have to reveal where it intends to place the cameras, but it must inform the union of its overall plan and bargain over union concerns.

Guilty as Charged

Q. The company fired a worker for stealing \$200 worth of parts. Our only defense is the employee's seniority. Does the law require us to arbitrate the case?

A. No. If an employee is clearly guilty of serious misconduct, a union does not have to take a grievance to arbitration.

— Robert M. Schwartz. The writer is a Boston labor attorney. This material is excerpted from the new, fourth edition of his best-selling book, *The Legal Rights of Union Stewards*, available from www.laborbooks.com.

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