

# Steward Notes

VOL. 6 • ISSUE 4 • FALL 2013

UNION STEWARDS ARE THE FRONT LINE OF DEFENCE FOR UNION MEMBERS IN THE WORKPLACE. STEWARDS PLAY ONE OF THE MOST IMPORTANT ROLES IN THE LABOUR MOVEMENT.



## Evidence collection

Helpful tips for complete grievance files

Stewards and MSOs are the front line for the union at the worksite. The information you gather regarding a grievance is vital. It cannot be emphasized enough how important the work you do is and how critical the evidence you collect can be. It can easily be two years between the events that led to the grievance being filed and the matter being heard at arbitration. Memories fade over time, so the information gathered as things unfold may be the only evidence the union has to take a matter forward. Here are some suggestions on what information to get.

Get the full and proper name of the grievor. If it is not clear, specify which is the last and which is the first name. If it is difficult to tell if the grievor is male or female from the name, please make it clear. Some people are very sensitive about their gender identification.

by Jan Goodwin  
AUPE Research Officer

# Evidence collection *Continued*

Correctly identify the grievor's classification. We prefer the classification as identified in the collective agreement. If you are using a working title, say so. If you are using a title the grievor likes to use, say so. Many issues are related to classification and its associated pay. It saves time if we know the right classification.

Identify if the member is full-time, part-time, wage, temporary, probationary, term or casual. Different provisions of the collective agreement will apply to members of different statuses. As well, provisions do not apply to members under agreements negotiated by unions other than AUPE. No AUPE collective agreement

have died, unless the grievance arose while they were both a member and alive. Twice we have had the wrong information concerning whether a grievor was alive or not. Don't write in your notes that the member is deceased unless you are absolutely sure.

Also, we may not know all the acronyms you know. In addition, different worksites may use the same acronym to mean different things. The first time the acronym appears in your notes, please write out the full meaning to help avoid confusion.

Number of years of service is also a good thing to know, especially with discipline cases or cases where seniority is at issue.

grieving member well. However, when you are collecting information, please keep in mind that the MSO or Union Representative who will eventually handle the file will have only the grievors' most basic information. Their ability to represent the grievor may depend in part on the quality of the information you collect in your notes. Like a house, the strength of the grievor's case depends on a sturdy foundation.

Lastly, the employer may reference a document like a policy or procedure, saying, "Well, our policy says [whatever it is the employer wants the policy to say this time]." Whenever the employer references any document you don't have in your hands, ask for a copy of it for the grievance file. While this may come as a surprise, sometimes the employer does not apply policies exactly as written, or even more shocking, applies a policy that does not actually exist on paper. If the employer refuses to produce a copy of document they are relying on, please put that in your notes.

In the next issue, we will talk about issue identification and what constitutes relevant evidence for grievance files.

**Memories fade over time, so the information gathered as things unfold may be the only evidence the union has to take a matter forward.**

provisions apply to people who are not AUPE members - or who have never been members - or to members who

Identify all the people your notes refer to. We understand that you, the steward, and the employer both know the

**HAVE QUESTIONS?  
CONTACT YOUR  
MEMBER SERVICES OFFICER  
CALL 1-800-232-7284**



Have your local/chapter number and worksite location ready so your call can be directed quickly.



# Employer requirements for medical or illness leave

by Wendy Webber  
Membership Services Officer

In most Collective Agreements, the employer may require proof before granting illness leave. In such cases the employer has the ability to request a doctor's note as proof that the member/employee is eligible for payment of that benefit.

As a Union Steward, you may be asked what information is necessary. What does the member have to give to the employer and how much does a member have to tell the employer? Everyone has heard that your medical information is confidential, so why does the employer have access to it?

The answer is that the employer has the right to request to have access only to the prognosis, not the diagnosis of the illness or injury.

**The employer has the right to request to have access only to the prognosis, not the diagnosis of the illness or injury.**

It's important to understand the difference. A prognosis is a forecasting of the probable course and outcome of a disease, especially the chances of recovery. A diagnosis is the process of determining by examination the nature and circumstances of a diseased condition. For example the employer does not need to know if the member suffering from migraines, a gall bladder surgery or a mental illness; the employer

need only know the employee is off under medical care.

However, the prognosis may contain the following:

- How long the employee will be off
- When the next appointment is
- If the employee can do any work, and if not, when they can be expected to do some work
- What hours they can work
- If the employee can work every day
- If they can do all duties but work part of a day
- Physical limitations
- Mental limitations
- If the employee getting help from a specialist

This along with other information, will help the employer manipulate the workforce to make sure all the work gets done. As well the employer may use this information to help with a modified return to work, so the employee may return in a safe and healthy manner.

The employer does not have the right to speak with your doctor or have the occupational health nurse speak with your doctor, unless you give your express

permission to have that happen. Then, even with permission, they should only be allowed to consult about the current illness or condition.

The Alberta Human Rights Act has suggestions and sample forms that contain the information the employer should or could have access to. Many employers are adopting this type of form. If a member is asked to sign a form regarding access to such health information, they should contact the union and ask to speak with their Membership Services Officer (MSO) to ensure the employer is not asking for too much information, or information that is not relevant to the current illness.

Finally, Union Stewards are often asked, "Who pays for the note?" The answer to that question is usually found in the collective agreement.

Some collective agreements contain language in which all doctor's/illness notes are paid for by the employer. In other collective agreements, the employer only has to pay for doctors' notes where the employer requires, or wants, more information, or have a form that they deem necessary for the employee's doctor to fill out. Some collective agreements require a note for the employee to actually get the benefit and it is unclear who must pay the cost for this.

If you have questions regarding these issues, please check with your MSO and they will help check the collective agreement and walk you through the articles that pertain to this issue.

# Labour Education

Upcoming courses and training

For information on any of these courses or to register please call **1-800-232-7284**

## Edmonton

**Respect in the Workplace**  
Nov 13

**Introduction to Your Union**  
Sept 20  
Nov 14

**Union Steward Level 1**  
Sept 25 - 26  
Nov 19 - 20

**Union Steward Level 2**  
Oct 22 - 23  
Dec 10 - 11

**Union Officer Training**  
Oct 1 - 2

**Contract Interpretation**  
Sept 18  
Oct 29  
Dec 18

**OH&S Advocate Level 1**  
Nov 5 - 6

**OH&S Advocate Level 2**  
Oct 8 - 9  
Dec 3 - 4

## Calgary

**Respect in the Workplace**  
Nov 14

**Introduction to Your Union**  
Sept 20  
Nov 13

**Union Steward Level 1**  
Sept 25 - 26  
Nov 19 - 20

**Union Steward Level 2**  
Oct 22 - 23  
Dec 9 - 10

**Union Officer Training**  
Oct 1 - 2

**Contract Interpretation**  
Sept 18  
Oct 30  
Dec 19

**OH&S Advocate Level 1**  
Nov 5 - 6

**OH&S Advocate Level 2**  
Oct 8 - 9  
Dec 17 - 18

## Red Deer

**Respect in the Workplace**  
Sept 20

**Introduction to Your Union**  
Sept 17  
Nov 5

**Union Steward Level 1**  
Sept 26 - 27  
Nov 13 - 14

**Union Steward Level 2**  
Oct 9 - 10  
Dec 17 - 18

**Union Officer Training**  
Oct 22 - 23

**Contract Interpretation**  
Oct 31  
Dec 10

**OH&S Advocate Level 1**  
Nov 27 - 28

**OH&S Advocate Level 2**  
Oct 2 - 3  
Dec 3 - 4

Steward Notes is published by the Alberta Union of Provincial Employees to provide information of technical interest to AUPE Union Stewards, worksite contacts and other members. Topics deal with training for union activists, worksite issues, disputes and arbitrations, health and safety, trends in labour law, bargaining and related material. For more information, contact the editor.

### President

Guy Smith

### Executive Secretary-Treasurer

Bill Dechant

### Vice-Presidents

Jason Heistad  
Erez Raz  
Carrie-Lynn Rusznak  
Glen Scott  
Susan Slade  
Karen Weiers

### Executive Director

Ron Hodgins

### Editor

Mark Wells  
m.wells@aupe.org

### Writers

Tyler Bedford  
t.bedford@aupe.org  
Wendy Webber  
w.webber@aupe.org  
Jan Goodwin  
j.goodwin@aupe.org

### Design

Jon Olsen

The goal of Steward Notes is to help today's AUPE union stewards do their jobs effectively. To help us, we encourage readers to submit story ideas that deserve exposure among all AUPE stewards.

Story suggestions for Steward Notes may be submitted for consideration to Communications Staff Writer Tyler Bedford by e-mail at t.bedford@aupe.org or by mail. Please include names and contact information for yourself and potential story sources.

### Alberta Union of Provincial Employees

10451 - 170 Street NW  
Edmonton, AB T5P 4S7  
T: 1-800-232-7284  
F: (780) 930-3392  
info@aupe.org  
www.aupe.org

