

# Steward Notes

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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.



## To file or not to file, that is the question

by Jan Goodwin  
AUPE Research Officer

Determining whether or not to file a grievance

As Stewards you are often the first person a member speaks with after they have been disciplined. While it is AUPE policy that members can always file a grievance you still may discuss whether or not a grievance should be filed. One way to approach this discussion is to consider how an arbitrator is going to look at a disciplinary situation.

Normally in discipline cases, an arbitration board must ask itself three

questions extracted from the 1976 decision of William Scott & Co. and Canadian Food and Allied Workers Union:

- 1) Was there just and reasonable cause for some form of discipline by the employer?
- 2) If so, was the discipline imposed excessive in all of the circumstances of the case?
- 3) If the discipline is excessive, what alternative measure should be substituted?

### Was there Just Cause?

Question 1 is a question of evidence. Is there evidence that the member did something wrong? Did they know it was wrong, for example, was it a breach of policy, a breach of a code of conduct, or maybe even a breach of the criminal

# To file or not to file *Continued*

code? Were there witnesses? Did the member admit to doing something wrong? An arbitrator will look at all the facts and determine whether the employer had just cause to impose some form of discipline.

## **Was the discipline imposed excessive?**

To answer this question, an arbitrator must consider the factors set out in the 1964 decision *Re Steel Equipment Co. and U.S.W.A., Loc. 3257*, as follows:

- The previous disciplinary record of the Grievor.
- The length of service of the Grievor.
- Whether the offence was an isolated incident.
- Whether there was provocation.
- Whether the offence was spur of the moment or premeditated.
- Whether the penalty created a special economic hardship for the Grievor.

- Evidence regarding company policy and if it has been uniformly enforced.
- Any mitigating factors.
- The seriousness of the offence.
- Any other relevant factors.

Each of these factors helps an arbitrator determine what level of discipline is appropriate on the scale

behaviour before, or if they have years and years of service with a clean record. Mitigating factors could include health issues, misunderstanding, or failure by the employer to alert employees to possible discipline for certain actions, among other things

Sitting with a member and going through this process may help them

**An arbitrator will consider if a member has been disciplined for the same type of behaviour before, or if they have years and years of service with a clean record.**

of discipline, from a verbal warning to termination of employment. An arbitrator will consider if a member has been disciplined for the same type of

— and you — objectively assess the situation and decide whether or not to file a grievance.



**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.





Students at AUPE's 2014 Labour School close out the four-day program by singing Solidarity Forever, led by UMass Labour Studies Professor Tom Juravich.

LABOUR SCHOOL 2014

# Equipping leaders and activists

by Andrew Hanon  
Communications Staff

For Rhonda Wolfe, 13 was a lucky number. Wolfe, the chapter chair and head of the bargaining committee at the Revera Churchill seniors facility in downtown Edmonton, was one of the newbies at AUPE's 13th annual Labour School, held Feb. 23-27 at the Banff Centre.

"It was excellent," she said a few days afterward. "My brain was actually hurting on the last day because it was so full of useful information."

In the weeks leading up to Labour School, Wolfe was kept up at night worrying about her coworkers. Revera, an enormous, rapaciously profit-hungry corporation, had adopted a take-no-prisoners approach to bargaining with the 70 members of AUPE Local 047 Chapter 007.

"What I learned there really helped me bring down my stress levels," said Wolfe, who took the Leadership course. "I got a lot of tools I can use and it really helped my confidence."

It's her first term as chapter chair and she's never bargained a collective

agreement before. Many of her coworkers are new Canadians and are not fully aware of their rights as workers. A large percentage of them are single parents. Some have limited English. The responsibility of representing their best interests across the bargaining table from a ruthlessly tight-fisted employer weighed heavily on Wolfe.

But Labour School allowed her to learn from experts and others who had similar experiences.

"We have a big chapter meeting tomorrow, and I feel much more confident," she said. "Everything kind of fell into place for me in Banff."

For decades, Alberta's largest union has been educating its members, providing training and courses for stewards, leaders and activists about workers' rights, occupational health and safety, and labour law.

And for the past 13 years, it has also offered even more advanced, detailed courses and programs in an intensive, four-day retreat for people who've taken AUPE's core courses and are ready to

advance to the next level of leadership and activism.

Labour School offers courses such as Leadership, Advanced Steward, Political Action, Mutual Respect, Advanced OH&S, Labour History, and Duty To Accommodate.

AUPE's education department also brings in top-notch guest speakers and performers. This year's list included University of Massachusetts Labour Studies professor Tom Juravich and workplace safety expert Deb DeWaal.

In all, 240 members attended Labour School. It's a great place for new activists to learn from those who've been in the trenches for a long time," said Vice-President Carrie-Lynn Rusznak. "And it's an opportunity for long-serving members to develop new skills and to share their experience. The energy is fantastic.

As of press time, AUPE's education staff were still poring over the participants' evaluations of the event and facility, but early indications are that Labour School 2014 was a spectacular success.

# Labour Education

Upcoming courses and training

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

## Edmonton

**Course Registration**  
Leanne Fedrau

### Introduction to Your Union

May 1  
June 18

### Union Steward 1

May 6 & 7

### Union Steward 2

Apr. 23 & 24  
May 21 & 22

### Contract Interpretation

Apr. 8  
June 3

### OH&S Advocate Level 1

May 14 & 15

### OH&S Advocate Level 2

Apr. 15 & 16  
June 10 & 11

### Respect in the Workplace

May 13

### Union Officer Training

Apr. 9 & 10  
May 27 & 28

## Calgary

**Course Registration**  
Candace White

### Introduction to Your Union

Apr. 9  
May 13

### Union Steward 1

Apr. 23 & 24  
June 17 & 18

### Union Steward 2

Mar. 25 & 26

### Contract Interpretation

Apr. 15

### OH&S Advocate Level 1

May 7 & 8

### OH&S Advocate Level 2

May 21 & 22

### Respect in the Workplace

June 3

### Union Officer Training

Apr. 30 & May 1

## Red Deer

**Course Registration**  
Leslie Parenteau

### Introduction to Your Union

May 6  
June 17

### Union Steward 1

May 21 & 22

### Union Steward 2

June 3 & 4

### Contract Interpretation

June 2

### OH&S Advocate Level 1

Apr. 8 & 9

### OH&S Advocate Level 2

Apr. 23 & 24

### Respect in the Workplace

Apr. 29

### Union Officer Training

May 14 & 15

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.

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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.

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