

# 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.



## When Do You Need a Steward?

**So, the boss has just asked you to meet in their office, should you bring your Steward?**

It is a legitimate question and the answer, like so many things in the working world, is not always straightforward. The role of the Steward is to ensure the rights granted under a collective agreement

are protected. It may help to understand when an employee needs that protection, by first looking at when an employee doesn't need the protection.

The basic premise of management rights is that the employer has the right to manage its workforce. Part of management rights means the employer is responsible for making hundreds of decisions about how the place will run, from shift schedules to uniforms.

Management must communicate all

# When Do You Need a Steward?

*Continued*

these expectations to its employees. This can be done in many ways, like orientation for new staff, on-going training, drafting and communication of policies and procedures. None of these types of interactions with the employer usually require the presence of a Steward.

Such direction of the workforce generally does not require union representation, but when the employer focuses its attention on an individual, and things feel more uncomfortable, a member may legitimately need a Steward

number of absences for that workplace. Arbitrators have found as long as the employer sticks to this kind of letter, they are not disciplining the employee and are not triggering the need for union representation. However, if the letter contains language that suggest a penalty for failing to meet expectations, union representation may be warranted.

The most common need for the presence of a Steward arises in cases of discipline. Every Steward, and ideally every member, will know the rights provided under their collective agreement

members should have union representation. The collective agreement may identify other areas where the union should be involved, like lay off and recalls and accommodations based on disability. These are areas where Membership Services Officers (MSOs) may be required, but it is always good for Stewards to be aware of areas where the employer should be involving the union and is not.

Stewards should look for cues about when they should be involved in the collective agreement. For example, does your agreement say members must be given notice of investigation meetings? What about disciplinary meetings? Do members have to be told they have a right to union representation? Is there no obligation on the employer to tell them that? Do members have to be told what the meeting is about? Are they to be given time to find a Steward? Do members get to pick their Steward? What happens if there is no Steward available? These are all questions Stewards should be able to answer so they can respond appropriately when the need arises.

**Every Steward, and ideally every member, will know the rights provided under the collective agreement with regard to union representation.**

with them. A common example is where an employee is presented with a letter that says they have been identified as someone with excessive absenteeism, followed by the direction the employee is expected to stay at or below the average

with regard to union representation. The Steward is there to protect the member's rights in the Collective Agreement. The member is to be disciplined only where there is just cause to do so.

Discipline is not the only time

AUPE members participate in AUPE education courses at union headquarters in Edmonton. AUPE delivers some of the best labour education courses in Canada, a fact now recognized by Athabasca University. (see Steward Notes P.4)

## Steward Training



# Management Rights in a Nutshell



We know management has the right to supervise the business and direct employees at the worksite. But what are the limitations on that right in the unionized workplace?

Some limitations are not easy to understand. In a decision on a case called *Parry Sound*, the Supreme Court of Canada said employment-related statutes form part of every collective agreement. For example, employers can't discriminate against workers based on gender, age, disability, ancestry or any other grounds listed in the Alberta Human Rights Act. And because the Human Rights Act is read as if it were actually part of the collective agreement, an arbitrator does have the authority to apply this legislation unless limited by the collective agreement itself. This also applies to the Employment Standards Code. However, the Court did not make a list of what statutes are "employment-related" and so beyond the Human Rights Act, the Employment Standards

Code and the Occupational Health and Safety Act, it is not really clear what other pieces of legislation would come within this group.

Another place to look for limits to management rights is in the words of the collective agreement itself. In fact, this is probably the most important place to look. The employer has the right to run its business anyway it wants within the legal limits set out above, including but not limited to: making poor business decisions, hiring managers without training and painting the walls of the office a hideous colour.

When the employer collectively bargains with the union, it is agreeing to set additional limits on how it will act. Those additional limits are defined in the collective agreement and include such things as identifying normal work hours, defining when and at what rate overtime is to be paid, describing special leave days and setting down a grievance procedure. The only way to know what

those limits are is to read the collective agreement.

So, what do you do if you think the employer is in breach of the management rights clause? This is one of the situations where the "work now, grieve later" principle applies, unless the employer is asking you to do something illegal or is asking you to do something unsafe.

The union Steward is the first contact for employees who need assistance understanding the collective agreement. Understanding the limits of management's rights is a great example of one of the complicated issues Stewards must deal with.

When it comes time to understand and explain limits to other members, Stewards need to know it is not always straightforward and that their Membership Services Officers (MSOs) are there to help.

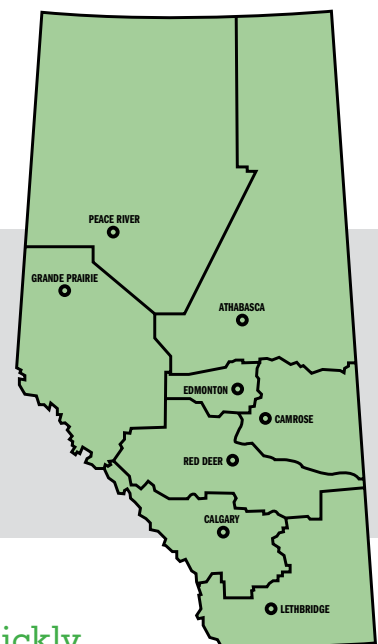
## HAVE QUESTIONS? CONTACT YOUR MEMBER SERVICES OFFICER

1-800-232-7284, then dial

- |                     |                        |
|---------------------|------------------------|
| (1) for Edmonton    | (6) for Red Deer       |
| (2) for Peace River | (7) for Calgary        |
| (4) for Camrose     | (8) for Lethbridge     |
| (5) for Athabasca   | (9) for Grande Prairie |



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



# Learning Partnership:

## AUPE courses get credit at Athabasca University

Few AUPE members would ever have imagined that taking union courses would lead to a chance at wearing a university cap and gown, but that's exactly what is now possible thanks to a new agreement between AUPE and Athabasca University.

"It's part of a plan to provide our union activists with the opportunity to take their worker education to another level, which at the end of the day means AUPE will be smarter and stronger," said union President Guy Smith.

Since November, the AUPE Education Department has been working with officials at Athabasca University to assess AUPE courses for a block transfer of credit. A formula based on the number of AUPE course hours completed was developed, and early in June an agreement was reached. Athabasca University will now provide up to 12 credits for AUPE education courses to any member who decides to pursue an Athabasca certificate or degree in one of two multidisciplinary programs: Labour Studies or Human Resources and Industrial Relations.

"This formal recognition from a top university just goes to show, AUPE's education program is second to none," said Smith. "Receiving credit towards a university certificate or degree adds real value to our member education, and it helps demonstrate how important union education really is."

Dr. Ingo Schmidt, Academic Coordinator of the Labour Studies program at Athabasca University, agreed: "It's sometimes difficult for officials in universities to appreciate and understand the value of education outside of university walls, especially labour education. That's why it's so great when we succeed in finding a way for working people like AUPE members to take advantage of Athabasca University programs."

The practical experience and knowledge of AUPE activists, hard-earned in a union classroom and on the worksite, will now be recognized at Canada's pioneering university in

open and flexible distance education. Athabasca University is dedicated to removing barriers to university-level study, which means that AUPE members will get a leg up if they decide to pursue a certificate or degree, through either part- or full-time self-paced study. Indeed, AUPE members opting to study in either Athabasca University program will gain insights into the economic, political and legal context of union activities and develop useful skills that can be applied on the job or with AUPE.

"Some people might see this as an opportunity for a career shift, or simply to deepen their understanding of trade unionism," said Lynn Gough, Union Representative in Education at AUPE. "But I think the real value in the collaboration agreement with Athabasca University is for our members as life-long learners, who can just continue their education and broaden their horizons."

Labour education helps ensure AUPE is chock full of members willing to take a stand for public services, decent jobs and fairness in the workplace and their communities. If knowledge is power, then AUPE needs well-educated members, and the collaboration agreement with Athabasca University for transfer credits serves just that purpose.

### Learn More

Members interested in learning more about transferring their AUPE course hours for Athabasca University credit should contact Jordan Thompson, Union Representative in Education, at [j.thompson@aupe.org](mailto:j.thompson@aupe.org) or by following the links available at [www.aupe.org](http://www.aupe.org) (Member Resources > Education > AU Credit Transfer)

**Athabasca University:**  
[www.athabascau.ca/labourstudies/](http://www.athabascau.ca/labourstudies/)  
[www.athabascau.ca/hrlr/](http://www.athabascau.ca/hrlr/)

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

Sandra Azocar

Jason Heistad

Sandy Kyle

Erez Raz

Glen Scott

Karen Weiers

#### Editor

Mark Wells

780-930-3311

[m.wells@aupe.org](mailto:m.wells@aupe.org)

#### Writers

Tyler Bedford

780-930-3406

[t.bedford@aupe.org](mailto:t.bedford@aupe.org)

Vanessa Bjerreskov

780-930-5202

[v.bjerreskov@aupe.org](mailto:v.bjerreskov@aupe.org)

Jan Goodwin

780-930-3330

[j.goodwin@aupe.org](mailto:j.goodwin@aupe.org)

Jordan Thompson

780-930-5275

[j.thompson@aupe.org](mailto:j.thompson@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](mailto: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: (780) 930-3300

Toll Free: 1-800-232-7284

F: (780) 930-3392

[info@aupe.org](mailto:info@aupe.org)

[www.aupe.org](http://www.aupe.org)

