

SHOP STEWARDS' MANUAL



Canadian Union of Postal Workers



Shop Steward's Manual



Canadian Union of Postal Workers

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A message

from your National President



This manual has been produced to assist you in your role as a CUPW shop steward. Read it carefully and carry it with you for easy reference. This manual won't tell you everything you need to know to do your job well, but it is a good start. However, you should also get to know your collective agreement, the CUPW national constitution and policies, your local by-laws and the *Canada Labour Code*.

Of course, no one expects one person to know everything. Other stewards, local union officers and regional officers are all excellent resources. If you need help or information, never hesitate to ask for help. We are all here to ensure the best possible representation for CUPW members.

The best stewards treat all workers equally regardless of personal likes or dislikes, respect the privilege and confidentiality of communication with members, and do not make promises they cannot keep. If you bring a willingness to learn, a commitment to work collectively with others in the union, and a sense of responsibility to the

position, you will serve your brothers and sisters well and earn their respect.

As a steward, you will be widely recognised as a representative of CUPW, not only by other members, but also by management, at labour events, and in the community at large.

Your daily contact with workers may be the most tangible contact they have with the union. For some, you may be the only personal contact they have. Your interactions will have a strong influence on the way they feel about CUPW.

Competent stewards who fight for the best interests of workers against the power of corporate interests are truly the key to union organization. By providing your co-workers with good representation, good information and good leadership, you help strengthen the solidarity of CUPW members from coast to coast.

A handwritten signature in dark ink, reading "Deborah Bourque". The signature is written in a cursive, flowing style.

Deborah Bourque, National President, CUPW



1.0 A brief history of the postal unions

Postal workers have a history of solidarity that stretches back to the beginning of the last century. The post office they worked in and the working conditions they faced then were very different from what postal workers face today.

Then, the post office was viewed as the fundamental link connecting a vast, but sparsely populated country, and was the only communications link for settlers and people in rural areas. The Canadian government viewed the post office as an important building block in the development of a nation.

The federal government also viewed national and business interests as identical. It saw the post office as a necessary, publicly funded part of an infrastructure for private development. Public funding was considered necessary because it was far too costly for private enterprise to provide such services.

The first postal worker associations

The first organisation of postal workers was that of railway mail clerks in 1889. Most of the mail was moved by rail at that time, and railway workers sorted much of it on moving trains. Railway mail clerks were part of the movement to organise among railway workers that began in the 1880s.

But the Canadian Railway Mail Federation (CRMF), despite its national sounding name, was a fragmented, regional organisation. The CRMF failed to address such problems as gas-lit and stove-heated postal cars (making them death traps in the event of a wreck), or the high skill levels required (railway mail clerks had to score 97% on their annual exam, while postal clerks passed with 90%). The organisation folded within a few years of its start.

A more permanent organisation called the Federated Association of Letter Carriers (FALC) emerged in 1891. It survived until 1966, when it became the Letter Carriers Union of Canada (LCUC).

Like many early unions, FALC began as a “benevolent society,” meaning that members paid dues to provide themselves and their families with financial protection in case of industrial accidents, illness, death or unemployment. FALC’s first constitution explicitly forbade it “to interfere in any way with the management of the post offices, or with the hours or the pay of the carriers.” Despite this restriction, by 1900, local branches were putting such matters as salary, monthly income, holidays and uniforms on their agendas.

In stark contrast to the unions of today, postal workers in these early organisations didn’t make demands or file grievances. Instead, they politely brought their issues to the attention of the government and asked for a resolution.

In 1902, a postmasters organisation was founded, a forerunner to the rurally based Canadian Postmasters and Assistants Association currently affiliated to the Canadian Labour Congress (CLC). The first local postal clerks’ association was formed in Vancouver in 1911. It soon added branches in the Atlantic, and by 1917, the

Dominion Postal Clerks Association (DPCA) had branches across the country.

Post office working conditions and early strikes

When one looks at the working conditions from this period, it's no wonder the postal associations soon tired of begging and petitioning for improvements. Post office workers often worked 60 to 70 hours a week with no overtime provisions. If a train was late, postal clerks might have to come to work in the middle of the night. Letter carriers were forced to wait around until the mail was ready for delivery. At Christmas, there was no limit to the length of the workday. And for this, they received very poor wages.

Post office workers, especially those in FALC, became the most militant force in the civil service. Both FALC and DCPA affiliated to the Trades and Labour Congress (TLC), the forerunner of the present day CLC. In the West, the influence of the One Big Union and the Industrial Workers of the World (also known as the Wobblies) pushed post office workers' organisations in a radical direction.

These circumstances came to a head in 1918, when FALC called a strike because the government refused to appoint a conciliation board to establish regulated collective agreement conditions. Support for the strike was strongest in the West, and Toronto and Hamilton. Every letter carrier, clerk, railway mail clerk and porter west of the Great Lakes was on strike when the strike ended ten days later.

This was the first national strike in the civil service and it ended with a huge victory. Postal workers won a 44-hour

week, overtime pay, salary increases, no discrimination against strikers and a Civil Service Commission of Inquiry into working conditions at the post office. The strikers' resolve had caught the federal government utterly off guard.

The strike unified western postal clerks and letter carriers. They were unhappy with their compatriots and national organizations in Central Canada who had returned to work earlier than they had. They formed the Amalgamated Postal Workers of Canada (APWC). Under the leadership of Victoria's Chris Sivertz, a socialist, trade unionist, founder of FALC and the second President of the B.C. Federation of Labour, APWC attempted to organise a national organization for all post office workers.

Later it transformed itself into the Amalgamated Civil Servants of Canada, which was open to all government workers and was a precursor to today's Public Service Alliance of Canada (PSAC). APWC members in the Winnipeg area fully participated in the Winnipeg General Strike of 1919, during which 700 were fired and denied their pension, with only 100 later rehired.

In response to APWC, the FALC and DCPA leaders set up a loose federation called the Canadian Federation of Postal Employees (CFPE), which barred members of the western-based APWC. This division led to the failure of a strike called by the CFPE in 1924. The strike was a response to an imposed salary cut, but was limited to eastern cities, because the APWC refused to participate. The strike was poorly organised and ended in defeat. The government rehired the striking workers, but only at the starting employee's rate and some strikers were bumped to part-time and replaced by workers who

crossed the picket lines. This bitter failure ended post office militancy for many years.

Revival of activism: a post-war boom

Many events occurred involving post office workers during the years that followed. Gradually, FALC and the Canadian Postal Clerks Association (CPEA – the new organization representing inside postal workers) rebuilt national organizations. FALC, CPEA and the Railway Mail Clerks Federation joined together to form an umbrella organization called the Postal Workers Brotherhood to present a united front to government in 1944.

However, the struggle for real unions and the right to collective bargaining did not begin in earnest for another few years. When it began, it was fuelled by the massive growth of the public sector that occurred after WWII, and the widening gap between the post office and other workers' wages.

Wage freezes and paltry increases in the 1950s and 60s and the continuing erosion of working conditions led to an inevitable explosion. Many postal workers were inspired by the successes of British postal workers who started with a work-to-rule campaign that built to an all-out strike from 1962 to 1964.

A pivotal point in the history of post office workers came in 1965. In July, the government proposed legislation that denied government workers' the right to strike and offered a wage increase that was less than half of the unions' bottom line. The Postal Workers Brotherhood refused to endorse any action beyond a 'work-to-rule' campaign in response. This timid response was the final straw for FALC and CPEA local activists.

Local leaders of both organisations in Montreal and Vancouver called a strike in defiance of the Postal Workers Brotherhood and the Canadian Labour Congress. Office workers in Toronto, Hamilton and other locations quickly joined the strike. It was a demonstration of determination and unity that took Lester Pearson's government completely by surprise.

The strike lasted for two weeks in Montreal, and for a shorter period in the other locations. The immediate results of the strike included:

- wage increases
- no reprisals against the strikers
- a Royal Commission into working conditions, headed by Judge Montpetit
- new federal public sector labour legislation that included the right to strike
- the unseating of the leaders of the postal workers unions who failed to back the strike

Most importantly, postal workers gained new confidence in their collective ability to make changes through strong, militant unions. This was reflected in the establishment of the Canadian Union of Postal Workers (CUPW) in 1965 and the Letter Carriers Union of Canada (LCUC) one year later. The modern era of labour resistance in Canada's post office had arrived.



Automation and its discontents

The advent of collective bargaining, as opposed to collective begging, resulted in big changes in the unions. Some changes were rooted in new workplace development and were only achieved after difficult struggles.

Initially, for example, the male-dominated work force in CUPW strenuously resisted the inclusion of part-timers, most of whom were women, into the union. The union was forced to include them in order to be certified for bargaining in 1967, but it was not until 1975 that part-timers were included in the same collective agreement as full-timers.

Although CUPW and LCUC were separate unions, they bargained together from 1967 to 1975 under the Council of Postal Unions bargaining unit. Together the unions won the Rand formula after a three-week strike in 1968. (The Rand formula dates from a 1945 decision, when Supreme Court Justice Ivan C. Rand found that all employees in a bargaining unit have to pay union dues because all employees benefit from the union's work.) In 1970, rotating strikes won overtime pay after eight hours for letter carriers and a joint committee to look into the effects of new technology being introduced by the post office.

But big changes in the post office meant a storm was brewing. The government began to express ambivalence about the role of the post office, in part because its structure was unable to meet the challenges of the post-war increase in commercial mail and in part because of the growing militancy of its unions. The post office was described less and less as a nation-building instrument and more as a political problem.

One Postmaster General, Eric Kierans, attempted to transform the post office into a commercially oriented Crown corporation with a massive, but planned, investment in automated equipment. But he was unsuccessful, and the government instead introduced the new letter sorting automated equipment in a piece-meal fashion, creating huge problems on the work floor and riding roughshod over the union.

The resulting labour tension exploded in 1974, when the unions were unable to stop the introduction of a new classification of machine coders at a much lower rate of pay. A 15-day “illegal” strike by CUPW and LCUC occurred over the coder issue, resulting in the reclassification of coders to the same as manual sorters.

This struggle was only the first of many to come over automation. Moreover, the growing problems with automation for inside workers put a strain on the relationship between CUPW and LCUC, whose members didn’t feel the impact of new technologies on their work to the same extent as CUPW members. In 1975, CUPW sought, and was granted, the right to a separate bargaining certificate.

The unions apart

Although LCUC and CUPW retained separate bargaining certificates until 1989, the unions worked together on numerous issues, including the campaign to transform the post office into a Crown corporation in order to bring postal workers under more favourable labour legislation (the Canada Labour Code). Later the unions collaborated on the public campaigns to ensure a universal, service-oriented post office as the government increas-

ingly moved toward commercialisation and privatisation, and away from the notion of retaining Canada Post as a public service.

The late 70s and 80s were dominated by relentless workplace labour conflicts and, most prominently in the case of CUPW, a determination that only collective worker action could prevent the loss of the gains postal workers had made.

In 1975, a 42-day strike by CUPW, led by CUPW National President Joe Davidson, resulted in improvements for inside workers, including a fairer disciplinary procedure and, more importantly, guarantees on employment, classification, pay, retraining and other items when new technology was introduced.

Within months, however, the federal government re-neged on its agreement, using loopholes in the *Public Service Staff Relations Act*. Then, when CUPW members went out on a legal strike in October of 1978, the federal government introduced legislation making the strike illegal after one day. This was only the first hint of a coming trend by the federal government to override workers' right to strike with back-to-work legislation. Four out of eight rounds of collective bargaining have ended with such legislation since 1978.

In 1978, CUPW members defied the back-to-work order for 10 days, despite the objections of the CLC leadership. CUPW leaders faced criminal charges, and CUPW President Jean-Claude Parrot went to jail for refusing to order postal workers back to work.

The membership's unexpected defiance caused the government to back away from this type of response for several years. In 1980, CUPW made major advances, such as a half hour paid meal period, in an agreement

reached without a strike. And in 1981, after another 42-day strike, CUPW successfully resisted employer rollbacks and won 17 weeks paid maternity leave (the first in the federal public sector), health and safety improvements and other improvements, including protection from closed circuit TV.

During this period, LCUC, under the leadership of National President Robert McGarry, was also able to resist demands for concessions and improvements to workload structuring systems, by showing that LCUC members were also prepared to strike, if necessary.

The postal unions' long joint campaign to turn the post office into a Crown corporation finally succeeded in October 1981. The Canada Post Corporation Act listed the post office's mandates as financial self-sufficiency, improved services and improved labour-management relations. Much of the unions' struggle since then has been to pressure successive governments, increasingly prone to limit the public service function of the post office, to implement the mandates outlined in the Act.

Wage controls in the early 1980s prevented collective bargaining. In the first rounds of bargaining following controls, collective agreements were reached without striking. But a privatisation agenda by the Progressive Conservative government, which included closing and franchising rural post offices and retail outlets in urban areas, also included a strategy in the late 1980s to break the unions in Canada Post.

In 1987, LCUC was forced to strike to defend existing contractual benefits, and for the first time in a federal jurisdiction, strikebreakers (scabs) were used across the country. Despite the resulting, sometimes violent, confrontations, LCUC members stood their ground. A

few months later, when CUPW was forced to strike, scabs were used again, and the government passed back-to-work legislation with draconian penalties for defiance. This formula was repeated in the 1991 CUPW strike.

The unions united

In 1988, following a review of bargaining units in Canada Post, the Canadian Labour Relations Board decided to merge the existing five urban postal bargaining units into one unit. This meant that one union would represent CUPW members, LCUC members, maintenance workers represented by the Union of Postal Communications Employees (the UPCE, affiliated to PSAC) and electronic technicians represented by the International Brotherhood of Electrical Workers (IBEW). In January 1989, CUPW, in a very close vote over LCUC, won the certification.

The transition to one union was not without its difficulties. But the crisis involving Canada Post's future as a public service, similar pressures facing postal administrations globally, and a climate of fierce employer/government attacks on workers in the post office helped foster solidarity and heal the rifts.

In our first negotiations as one union, the Conservative government continued the troubling trend of denying the right to strike, again employing scabs. The union was able to reach a negotiated settlement in 1992, however, in spite of 1991 back-to-work legislation.

Initially, the election of the Liberal government in 1993 appeared to slow efforts to increase profitability and deregulation at the expense of service to the public. The government, responding to public pressure, stopped



closing rural post offices. And in 1995, CUPW achieved a collective agreement without a strike, including job security, restrictions on contracting out work and job creation initiatives.

Privatisation, deregulation and the right to strike

Problems for the union soon re-surfaced, however, with the release of the Liberal government Mandate Review headed by George Radwanski. Although the Review rejected the privatisation of Canada Post, it called on the Crown corporation to limit itself to the core work of letter delivery, a monopoly guaranteed by the Canada Post Corporation Act. The Review also called on Canada Post to cut labour costs and get out of most of the unaddressed admail business.

Canada Post responded by firing 10,000 part-time admail delivery workers and handing most of its unaddressed admail business to the private sector. This was the largest single lay-off in Canadian history. These lower paid unionised workers have, for the most part, been unable to find re-employment. Although CUPW put up a strong fight, in the end the union was able only to negotiate a severance package on their behalf.

CUPW was forced to strike in 1997 when Canada Post followed up on the Mandate Review recommendation to cut labour costs.

During the strike, the Minister responsible for Canada Post threatened to either remove the post office's monopoly on lettermail or postal worker's right to strike. After only a few days on strike, the federal government passed back-to-work legislation and imposed an arbitrator who had virtually no labour experience. After two years of arbitration, CUPW convinced the employer to negotiate a collective agreement before the arbitrator imposed a settlement.

More than a postal union

CUPW doesn't just represent workers at Canada Post. We have organised a number of groups of workers who work for employers in the private sector. We represent cleaners, emergency medical dispatchers, mailing house workers, couriers and call center workers. Our approach to organising is to organise primarily in the transportation and communications sector, especially Canada Post competitors or contracted out post office work.

International solidarity: workers united around the world

CUPW has a long tradition of working in solidarity with workers in other countries. By supporting workers and their democratic movements throughout the world, we are part of an international movement to improve the lives of people on our planet.

The national policies section of the CUPW constitution outlines the union's commitment to work with unions and popular organisations worldwide to fight to preserve people's rights as workers and citizens. We are fighting against governments and multinational corporations who are seeking to destroy people's rights through privatisation, deregulation and liberalisation of trade.

CUPW has also negotiated an International Postal Fund (IPF) as part of its collective agreement with Canada Post. The fund pays for important solidarity projects with postal unions in other countries. These unions face many of the same challenges as CUPW, dealing with employers, governments and international trade laws. Working together generates innovative solutions to our common problems.

CUPW is a member and active participant in the Union Network International (UNI), which represents 15 million workers in more than 900 unions from around the world. CUPW works most closely with other unions in the postal sector, especially from the Americas. By pooling resources, UNI aims to give union members an effective, international voice to speak to multinational corporations, governments and international institutions.

The National Executive Board has developed a policy paper on the CUPW's International Solidarity work. The paper outlines a procedure for building international solidarity work and projects in our regions and locals. The policy paper is available through your local office.

2.0 Goals of the Canadian Union of Postal Workers

The goals of CUPW are set in the National Constitution in Section 1.02 and the preamble to the policy section. CUPW's goals are based on the belief that to truly represent its members well, the union's work must extend beyond the shop floor into the fight to build a society that represents the best interests of all workers. The union's goals are:

- To improve the general well-being of CUPW members, in particular, the wages, hours of work and working conditions.
- To unite all workers in the postal, communications and related sectors.

- To build and strengthen co-operative relationships with workers around the globe, especially with unions of postal workers and other communications workers.
- To secure adequate old age security and pension provisions for retired members and their dependents.
- To fight any legislation that restricts the right to bargain freely on any issues that affect the well-being and security of CUPW members or restrains the right to collective action.
- To develop a strong relationship with the labour movement by joining the national, provincial and local central labour bodies and participating in their activities.
- To work with the labour movement in Canada and Quebec to fight against attacks against workers and to encourage trade union principles among all workers in Canada and Quebec.
- To encourage CUPW members to develop and participate in consumer co-operatives and credit unions.

CUPW'S Structure

The Membership

- about 50,000 members, divided into 210 locals;
- the "traditional" membership, employed by Canada Post, includes letter carriers, postal clerks, mail handlers and dispatchers, stores persons, vehicle mechanics, electricians and electronic technicians.
- newer members include postal cleaners, mailing house workers, couriers, truck drivers, emergency medical dispatchers, warehouse workers and CPC rural and suburban mail couriers.

National Convention

- locals elect one delegate for each 100 members in the local;
- all locals elect at least one delegate;
- highest decision-making body of the union;
- elects national officers, trustees and union representatives;
- sets policy and direction for the union.

The Regions

- locals divided into eight regions;
- convention resolutions are developed and brought forward through Area Councils and Regional Conferences; similar process for proposals to amend the collective agreement;
- all delegates from each region elect their regional officers and union representatives as well as their national director at the National Convention.

The National Executive Board

- includes the eight national directors;
- includes the seven residing officers;
- meets every two months at the CUPW national office in Ottawa.

The National Executive Committee

- includes seven residing officers;
- work at CUPW national office in Ottawa;
- make day-to-day decisions on the union's affairs.

National Union Representatives

- eleven positions elected by the National Convention.

National Board of Trustees

- eight people, one elected by each region at the National Convention;
- verifies the union's finances and assets.

National Work Measurement Committee

National Health and Safety Committee

National Women's Committee

National Human Rights Committee

Specialists, translators, clerical staff

3.0 Structure of the union

CUPW is a democratic union. The ultimate decision making power resides with the membership. Every three years, representatives from the locals meet at the National Convention to decide on a plan of action for the coming years. The National Constitution and policies are the result of decisions at these conventions. Delegates also elect national and regional representatives.

The convention elects seven national officers, eight national directors, 11 national union representatives, 16 regional officers, 22 regional union representatives and eight trustees. For more information, see Article 4 of CUPW's National Constitution.

National Officers

Seven officers work in the CUPW national office in Ottawa and form the National Executive Committee (NEC). The NEC meets once a week to discuss and settle administrative and current matters. The members of the NEC are:

- National President
- 1st National Vice-President
- 2nd National Vice-President
- 3rd National Vice-President
- 4th National Vice-President
- National Grievance Officer
- National Secretary-Treasurer

The National Executive Board (NEB) is made up of the members of the NEC plus eight National Directors. The NEB meets every two months and is responsible for the leadership and administration of the union, in keeping with the plans and orientation outlined by delegates at the National Convention. The National Directors are:

- National Director, Atlantic Region
(Halifax, Nova Scotia)
- National Director, Quebec Region
(Quebec City, Quebec)
- National Director, Metro-Montreal Region
(Montreal, Quebec)
- National Director, Central Region
(Ottawa, Ontario)
- National Director, Metro-Toronto Region
(Toronto, Ontario)
- National Director, Ontario Region
(London, Ontario)
- National Director, Prairie Region
(Winnipeg, Manitoba)
- National Director, Pacific Region
(New Westminster, British Columbia)

Regional Executive Committee

The Regional Executive Committee is comprised of the National Director, Grievance Officer and Education and Organization Officer for each region. Regional caucuses at convention elect these officers. These elections must be then approved by the convention as a whole.

Union Representatives

The convention elects National and Regional Union Representatives (URs) to provide services to locals and their members. The national Union Representative (UR) positions include:

- Four URs for grievances (three English and one French)
- One UR for national consultation
- One UR for health and safety
- One UR under direction of NEC
- One UR for staffing
- Two URs for education (one each French and English)
- One UR for external organizing

There are two or three URs per region, depending on the size of a region.

National Board of Trustees

Delegates also elect the National Board of Trustees, which consists of one trustee from each of the eight regions. The trustees meet twice a year during their three year mandate. The trustees inspect the finances and assets of the union. National Board of Trustees reports are published in *CUPW Perspective*, the national newspaper.

National committees

Four national committees have been created at conventions. The committees consist of members from each region, and carry out important duties on behalf of the union.

The committees' mandates are outlined in Article 4 of the National Constitution. The committees are:

- National Women's Committee
- National Human Rights Committee
- National Work Measurement Committee
- National Health and Safety Committee

Staff

In addition to the elected officers and representatives, the national office, regional offices and some locals have administrative staff who help carry out the daily work of the union. This work includes clerical and administrative duties, printing, cleaning and maintenance.

The national office also employs a small number of workers called specialists. There are two types of specialist. The first group perform the communication, research and technical work at the national office. Their work includes research and analysis, media relations and publicity, graphic design and layout, working on the web site, writing and editing, and technical support for computers and information technology. Their wages come from the General Fund.

The second group are specialists who are paid from funds negotiated in the collective agreement and appendices, like the Education and Childcare Funds, or Appendix T. The work of these specialists relates specifically to the demands of these funds.

The national office also employs translators, who translate all union documents into French and English.

4.0 The role of the shop steward

The steward's most important role is to make sure that the rights of members as set out in the collective agreement are respected. This can be done in many ways:

- monitoring to make sure the employer is following the rules of the collective agreement,
- listening to members' concerns and complaints,
- supporting members when their rights have been violated,
- accompanying members when they have to meet with the employer,
- when necessary, helping members prepare a grievance.

When a grievance is necessary, the steward must:

- collect all the relevant information from the member,
- collect all the documentation from the member or employer, and
- forward all the information to the local executive.

The local executive will then either submit the grievance or forward the material to the regional office where a grievance will be prepared.

Grievances are never a goal in and of themselves. Instead, a grievance is a tool the union can use to ensure that the collective agreement is followed and that workers whose rights have been violated receive a fair remedy.



A steward has many roles

Be an organiser

- Encourage everyone in your workplace to become involved in the union.
- Introduce new employees to the union and have them sign a union card as soon as possible.
- Get to know your membership and encourage them to attend union meetings and activities.
- Hold workplace meetings to discuss problems with union members as often as possible.

Be an educator

- Explain what your local is doing and why.
- Share information, distribute union publications and explain the collective agreement.
- Attend union courses and encourage members to attend.
- Refer union members with non-work concerns such as housing, emotional or medical concerns, to social stewards (see Policy D-28 of the National Constitution) or to appropriate service organizations.
- Be open and learn from your fellow members. Education is a two-way process.

Be a leader

- Stand up for the membership and show them that they should expect to be treated as equals.
- Build solidarity with your membership.

Be a communicator

- The steward is the link between members in the work place and the local executive committee. Keep the members informed about what happens at union meetings, about planned union activities and the plans of your employer.
- Keep bulletin boards up-to-date, but do not use them as a substitute for talking to members.
- Know how to explain the national constitution provisions, especially with respect to dues, membership, and elections.
- Know your local by-laws.

Be politically aware

- Keep informed about legislation that affects you, your members and the union.
- Take part in local community and political activities and encourage your members to do the same.
- Promote the objectives of the labour movement in general and be informed about solidarity campaigns with workers in other countries.
- Get involved in your local labour council.

5.0 What do stewards need to know?

Important documents

- the collective agreement
- your employer's policies and workplace rules
- labour legislation
- your working conditions
- your supervisors
- your members
- your local by-laws
- the National Constitution and policies

Tips For Listening

Concentrate on what the member is saying

Actively focus your attention on the member's words, ideas, and feelings.

Don't make assumptions

Don't jump to any conclusions too quickly. Don't assume that people are lying if they avoid looking you in the eye, for example. Or assume a member is against the union if he or she disagrees with part of the collective agreement. Don't assume that he or she is angry because he or she is emotional in presenting his or her views. Assumptions

will prevent you from hearing what the member is really saying to say.

Ask questions

Always ask questions when you don't understand, need more information, or want to clarify a point. Try not to ask questions that will embarrass or demean a member.



6.0 Workplace organising

An important part of a strong union is good workplace organizing. Workplace organising is the ongoing work that stewards and other members of the union do to raise awareness about union and work-related issues, and to create solidarity and a sense of pride among union members in the workplace.

It is perhaps more important now than at any other time in the history of the labour movement in Canada and Quebec to create a strong and united front in the workplace. Changes in the economic and political climate are increasing the pressure on workers. Employers, looking to cut corners in a more competitive global market, are becoming more aggressive and creating hostile work environments. Governments are moving to the right, and the general political climate from coast to coast is worsening.

All of these factors can contribute to low morale and a sense of powerlessness and apathy among workers.

Working together for change

Despite this dramatic shift in power in the workplace, union members can work together to improve their working and living conditions. Together we have the power to fight for improvements to the collective agreement and to labour legislation, to challenge governments and elect new, more progressive ones, and to strengthen solidarity with workers around the world.



One key in this struggle is workplace organising. Motivating workers to fight for their rights is important for many reasons:

- Rank and file activism is the heart of the labour movement.
- Daily struggles on the shop floor help workers gain the confidence they need to take on broader issues.
- Organising creates a show of strength and a sense of unity among workers.

Basic principles of workplace organising:

These are what successful organisers say are the most important principles to remember when organizing in the workplace.

Question authority

Encourage members to ask, “Who is making the decisions, who is being forced to live with the results, and is this fair?” People should not accept a rule or an answer simply because it comes from the authorities, whether that authority is the government, the boss, the union, or even you. An effective organiser encourages co-workers to think for themselves.

Talk one-on-one

Almost every activist will confirm that the most effective organising tool is face-to-face conversation with members. Often, you will be the only person who is willing to take the time to hear them out. Your attention and understanding will help boost morale, raise confidence and encourage members to become more involved.

Find the natural leaders

Seek out the natural leaders in your workplace. These are not always the loudest or most outspoken people, but they are the people whose opinions matter to co-workers. Often your messages will have more clout if you can win over the opinion leaders.

Encourage collective activity

In addition to talking with individuals, strive to create a sense of solidarity in the workplace. Encourage members to talk to one another and to see each other as a cohesive group.

Start small, think big

Encourage people to increase their commitment over time, but don't overwhelm them all at once. Tactics need to have the support of members and not involve more risks than members are willing to accept.

Start small, ask people to wear a button in support of a union campaign or to read a leaflet. Then encourage them to come out to a local meeting, later to attend a rally. Many campaigns carried out by unions have had hundreds of people willing to go to jail for something they believed in. For many of them it started with that first question, "Will you wear this button?"

Confront management

Organising is about changing management-worker relations and improving the balance of power for workers. Confronting the boss on unfair conditions is part of that work. Here, too, you have to start small, perhaps with something as simple as wearing a button. But, if people are not willing to upset the employer, they will never improve their working conditions.

Celebrate small victories

Most movements, from a small group in one workplace to massive social campaigns that change society (such as the civil rights and women's movements), grow on the basis of small victories. Small victories raise our confidence and win new supporters. With each victory, the group becomes more confident and capable of taking on larger challenges.

Organise around issues

Members are not willing to take action for its own sake. Actions should have a specific, winnable goal that is important and meaningful to members.

Grievances can be a great organising tool. The key here is to make the issue visible and public, so members know what management has done. Wherever possible, make them collective grievances that involve many members. Don't just "file" a grievance, make it active and mobilise members to face the employer representatives who are causing the problems.

Have fun

The best activities, whether a small action on the job or a big rally, are enjoyable and unifying experiences regardless of the outcome. If members get together and feel unified, it can lift their confidence and feel like a victory even if you don't win exactly what you wanted.

Stay organised

You may not need a very formal structure, but you do need a way for members to stay in touch and receive up-to-date information. Perhaps all you need is a telephone tree and a mailing address, but whatever it is, make sure to do it. It would be a shame to have things fall apart after one victory because no one had taken the time to get organised.

A word about Quality of Work Life (QWL)

CUPW has fought long and hard against employer programs, often known as “Quality of Worklife”. These programs undermine the union’s role in representing members’ interests and in creating solidarity among workers. QWL encompasses everything from employer sponsored sporting events, awards programs, free pizza and donuts to work re-organization, lean production and employee committees where workers are invited to share ideas about how to “improve performance”, usually code for cutting corners, cutting jobs and cutting pay.

The CUPW constitution rejects QWL and similar programs, promoting instead the principle that only the collective power of workers struggling against the power of the

employer can produce improvements.

CUPW arbitration decisions confirm that QWL-style committees are a violation of the CUPW/CPC collective agreement when these committees usurp the union's right to be the sole representative for workers.

Shop stewards need to be leaders in the fight against these programs by pointing out the employer's true agenda to members. The union provides courses and information for shop stewards on how to recognise and fight these strategies. Most importantly, it is vital that shop stewards set the example by not participating in events set up by the boss.

It is also important that we understand the difference between QWL and joint union management committees or projects. For example, local and national joint health and safety committees, and projects that are carried out by these committees are not QWL. They are products of union decisions.

7.0 Rights of new members

As a shop steward, you must protect the rights of new members, but you must also be careful because new members are in a risky position during the initial probationary period.

All workers should be encouraged to become a member of the union as soon as they are hired. Union membership is actually a requirement of employment under many collective agreements. In many cases, being a CUPW member will be the worker's first experience in a unionised work force. You want to make a good first impression on new members. Make new employees feel comfortable and confident that they can rely on you and the union for assistance.

The union has won the right in our collective agreement with Canada Post to meet with new employees for fifteen minutes during work time. Make sure that you have your information well organised to cover all the important points. Make sure new members complete a membership application form (if they have not already done so) and collect any initiation fee that is required by the labour code. Make sure every new member has received a copy of the collective agreement. Your local may also have a new employee package, which may include the National Constitution and local by-laws, and a booklet or handout on information of interest to new employees.

It is important for you to explain that the rights outlined in the collective agreement are the result of years of struggle and solidarity in past rounds of collective bargaining. Let members know that you are there to protect and enforce those rights and assist them. Invite new members to play an active role in their union.



Probation

Advise new employees to pay particular attention to the dates of their probationary period and to their probationary records. Warn new employees in advance that they have the right to refuse to sign probation reports if they disagree with the supervisor's assessment. They also have the right to formally object by writing their own comments on the report. This can be very important in preventing dismissal or helping an employee's case in the event of termination. Inform new members that you are available to review the probationary reports with them.

During the probationary period, the employer must provide proper training to enable new employees to learn to do their jobs properly. An employer will have difficulty making a case against a worker who has not received proper training during the probationary period.

8.1 The grievance procedure

What is a grievance?

A grievance is a written complaint presented by the union to the employer. Union representatives, including stewards, may present a grievance if they believe that an employee, a group of employees, the membership as a whole or the union has been aggrieved or treated unjustly or unfairly. Only the union can present or withdraw a grievance.

Types of grievances

There are several different types of grievances:

- on behalf of one employee,
- on behalf of a group of employees, within a complement, a section, an office,
- a collective grievance – to correct a situation affecting the membership as a whole or members of more than one group,
- a union grievance – to force the employer to meet its obligation under the collective agreement and where action must be taken to correct the situation,

- a policy grievance – to obtain a declaratory decision that clarifies the meaning of part of the collective agreement,
- a cease and desist order – an arbitrator can issue a temporary or provisional injunction, or
- a fast track grievance – a reorganisation of letter carrier/mail service courier routes.

Stewards' rights and responsibilities

Your involvement in preparing and following through on grievances is important. In this way you remain aware of workplace problems and how they are resolved. Losing a grievance because the grievance was poorly prepared can lower morale and members' confidence in the union. On the other hand, a well-documented grievance that has a successful conclusion shows the union's strength and the members' determination.

It is your right and responsibility to investigate complaints and represent employees in accordance with the grievance procedure. The employer must not try to prevent or hinder you from doing this in any way. The collective agreement gives you the right to meet with members during work hours to discuss these grievances. This right is granted during the steward's shift or, at the latest, at the beginning of the steward's following shift.

You do not have to tell the employer what kind of investigation you are doing when you want to meet with a member; you only have to say who the grievor is and how long you think it will take to finish the investigation.

Fair representation

Like all unions, CUPW and its representatives and shop stewards have a duty to represent all employees in its bargaining units without acting in a manner that is arbitrary, discriminatory or in bad faith.

This does not mean the union has to take every grievance to arbitration. But it does mean that all decisions made on complaints and grievances must be made fairly. You must never ignore or abandon a complaint or grievance for discriminatory reasons. This includes discrimination based on ethnicity, gender, disability, sexual identity and the like, but also any personal feelings you might have towards the grievor.

Investigation of an urgent complaint

Under the collective agreement, you have the right to investigate an urgent complaint — a situation that must be investigated without delay, or that cannot wait for an investigation under the normal timeline. An example of this could be a health and safety issue requiring immediate attention. You have to tell the employer what type of complaint you are investigating. The employer must give you permission to investigate within 30 minutes and grant you a reasonable amount of time to carry out your investigation. When you have finished, you must report to your supervisor with the findings.

If you need more time to gather facts, do not be afraid to ask for it. You are the one who determines if a complaint is urgent or not, and then, only after you have spoken to the person making the complaint. However, be aware that if a supervisor thinks you are abusing this right, he

or she can try to build a case against you for disciplinary action.

If the supervisor insists the member's complaint is not urgent, and that management has the right to make that decision, you will have to proceed carefully. You can appeal the decision and demand a complaint session with someone higher up in management, but if the problem cannot be resolved, you will have to file a grievance.



8.2 Preparing grievances

Right to prepare and present grievances

You have the right to prepare and investigate grievances. For this purpose, you have the right to meet with the grievor. You must get permission from your supervisor before meeting with a grievor.

If after meeting with the member, you find that he or she does not have an actual grievance, you do not have to submit one. Although the worker may have a legitimate complaint, the employer may not have violated any specific article of the collective agreement. It may be more appropriate in some circumstances to simply exercise the worker's right to present the complaints to the employer, as guaranteed under clause 9.07.

Time limits

Time limits are a vital part of the grievance procedure. You must be aware of the applicable time lines under the collective agreement and make sure that your members are aware of them as well. Under Article 9, a grievance must be submitted to the employer within 25 working days of the day the employee became aware of the violation of the collective agreement. For an incident affecting a group of employees, the time limit is 60 days. "Working days" means calendar days excluding Saturdays, Sundays and holidays.

You must submit grievances to the responsible officer as soon as possible because it must be typed and processed by the local or regional office. The collective

agreement gives you the right to investigate a complaint without delay, so you should gather all the required information, write your report and get it to the office as soon as possible. If the union misses the time limit, the grievance will likely fail.

The grievance investigation

The grievance investigation is one of the most important parts of the grievance procedure. You must complete the national grievance form for all investigations. Forms are available through your local or regional office.

Answer the 5 Ws

Who is involved in the grievance?

Record the names, classifications, sections, addresses, phone numbers, position, shift and shift time, name of supervisor or management representatives who caused the grievance or were on duty at the time.

What happened?

Describe the events in as much detail as possible.

When did the grievance occur?

Record all relevant dates and times

Where did the grievance occur?

Be specific: record the exact location, section, machine, aisle, etc.

Why is this a grievance?

Is it a violation of the collective agreement, past practice, rulings and awards, personal rights, or other legislation?

Remember the 3 Rs

Remedy: what actions are necessary to correct the injustice?

Ask for actions that will put the grievor(s) in the exact position they would be in if the violation had not happened. This may include a cash award for damages or interest on any money that is owed.

Review your case.

Do you have all the facts? Have you checked the facts and supporting documentation carefully? If applicable, do you have signed witness statements? Is your argument as strong as it could be?

Remember

- *Don't make promises you might not be able to keep.*
- *Don't hesitate to ask for help or advice on any grievance or complaint from other stewards, local grievance committee members or union officers.*
- *Don't forget to do the paperwork. Properly completed grievance investigation forms will make the job of union representatives (who handle the grievances) much easier.*

8.3 Grievance hearings and arbitration

The grievance procedure

Presentation of grievances

An authorised union representative must present the grievance to a supervisor or management representative. The employer's obligations upon receipt of a grievance are to:

- indicate the date of receipt of the grievance.
- give a copy of the grievance to the union representative, and
- forward the grievance to the employer's representative authorised to respond.

Almost all grievances are presented at the local level. Under the collective agreement, the grievance procedure is a one-level procedure and grievance hearings (also called grievance resolution meetings) will be held at the local level, except for national grievances, such as policy grievances or cease and desist orders, which will be heard at the national level.

The employer has twenty working days to hold a grievance hearing and respond. If the grievance is not resolved, it can then be referred to the arbitration procedure.

Grievance hearings

Grievance hearings are usually held in a plant manager or superintendent's office. Usually the employee, local union representatives (steward, grievance officer, or local president, etc.) and the plant manager or superintendent will attend.

Remember the following when you prepare for a grievance hearing:

- Never go into a grievance hearing alone. Always take another union representative with you.
- Be prepared prior to the meeting. Check the jurisprudence and have all your arguments ready for presentation.
- Demand to be treated with respect. As a union representative, you are on an equal level with the management representative.
- During the hearing, write down the points that are made on the issue at hand. Be sure to indicate the employer's statements. For grievances, complete the national forms for the employer's response and the union's position.
- Ask questions for clarification or for additional information.
- Examine the records that the employer keeps for the employee, where applicable.
- Determine which facts are relevant to the matter under discussion and distinguish between fact and opinion.
- During the hearing, if a disagreement arises with the employee you are representing or with another union representative, do not argue in front of management. Ask for a short break and try to come to an under-

standing before resuming discussions with management.

- Remember that the burden is on management to justify their behaviour.
- Ask the employer to resolve the issue while at the meeting. Do not allow the employer to stall for a response that could jeopardise the time limits.

Arbitration

If the parties cannot resolve a grievance, it may be referred to an arbitrator for a decision. The arbitrator's decision is usually final and binding. The arbitrator's only job is to interpret the collective agreement as it is written, not to amend, alter, add or take away any provisions of the agreement. The powers of the arbitrator are laid out in the collective agreement in Article 9 of the collective agreement.

Types of arbitration

The union has negotiated a specific process for the hearing of grievances by arbitrators, including various time limits and scheduling procedures. The following is a brief outline of the process found in Article 9 of the collective agreement.

Regular arbitration

All grievances use the regular arbitration procedure, with the exception of the following grievances, which go to formal arbitration:

- grievances concerning termination of employment,
- grievances concerning the unit as a whole,
- grievances concerning the union as such,
- grievances concerning employees in more than one area, and
- policy grievances.

The regular arbitration procedure is simplified and delegatised, meaning there are no lawyers present.

The procedure makes it possible to hear most grievances, provided they are unrelated to termination of employment and are not national in scope. However, any grievance, including dismissal cases, may also be heard under the regular arbitration procedure if the parties agree to it.

Formal arbitration

Formal arbitration is more rigorous than regular arbitration and lawyers can represent the parties. Both the employer and the union are bound by any decisions the arbitrator makes in formal arbitration.

Cease and desist order

The union or the employer may ask a national arbitrator to issue an order resembling an interlocutory injunction. The order is presented in the form of a grievance at the national level by an officer of the union's national office or by one of the employer's national representatives in Ottawa. A period of five working days must occur between the date of the presentation of the application and the date of hearing.

The arbitrator has the power to issue an order to have either the employer or the union stop doing whatever it was that led to the grievance. The arbitrator may place whatever conditions on these orders that she or he believes is fair. An interlocutory order cannot be in effect for more than twenty calendar days. However, it may be renewed as often as the arbitrator thinks is necessary.

Fast track arbitration

The grievance and arbitration procedure in Articles 46 and 47 (reorganisation of letter carrier walks/routes, mail service couriers) is specific in that it contains its own procedure and includes its own deadlines which are substantially different from those of Article 9.

Rights under grievance procedure

Personal file

- There should only be one personal file per employee.
- Only reports that are in the personal file can be used against an employee in the grievance procedure or arbitration.
- The employer cannot place reports in the personal file unless a copy has been sent to the employee within ten days.
- Any unfavourable report concerning the employee will be withdrawn after twelve months. The employee gets to determine what is considered an unfavourable report.
- Verbal reprimands are not considered discipline and cannot be reported in the file.

An employee and/or union representative shall have access to the official personal file:

- upon written request from the employee,
- within twenty-four hours of the written request, providing the file is available locally; if it is not available locally, within five calendar days of the request, and
- in the presence of a representative of the employer.

Interviews

The employer must notify employees twenty-four hours in advance of all interviews related to discipline or

attendance. If the employer does not give twenty-four hours notice, any subsequent discipline could be rendered null and void.

The notice must tell employees

- they have the right to be accompanied by a union representative,
- the purpose of the meeting, and
- whether it involves the employee's personal file.

If the file is to be used, the employee and/or union representative must have access to the file prior to the interview.

Right to refuse to participate

Employees have the right to refuse to participate or to continue to participate in an interview if they have not received sufficient notice. The employer can proceed without the employee, if she or he does not go to the interview and does not explain why.

Right to representation and confidentiality

An employee summoned for any interview has the right to be accompanied by a union representative, usually the steward.

- The employee must ask for a union representative.
- The representative has the right to participate in the discussion.
- The representative has the right to contribute to the clarification of the situation.

You have the right to participate fully in the discussion and speak on behalf of the employee, not merely sit as a silent witness. You and the member, not the employer, decide when you speak and what you may speak about.

All communication between the steward and the employee is privileged and confidential. In your relationship with the employee, confidentiality is essential. Any information provided by the employee in confidence must not be repeated to anyone. Failure to respect confidentiality damages your credibility as a steward and the credibility of the union as a whole.

Discipline

The employer must follow the principles set out in Article 10 if it wants to discipline a worker.

The disciplinary process is *progressive*. In other words, it goes from less severe to more severe. For example, discipline must begin with a verbal warning, then a written warning, before any more serious forms of discipline, like suspension, can happen.

In the case of suspensions, they must be *incremental*. In other words, suspensions must begin with short time periods and lengthen only with subsequent offences. Only in cases of serious misconduct may a lengthy suspension or dismissal be applied as a first measure.

8.4 Discipline and discharge

Just cause and burden of proof

No disciplinary measure, including a notice of discipline, suspension, discharge or any other measure, can be imposed on any employee without:

- just, reasonable and sufficient cause, and
- written notice that gives the reasons for the employee being disciplined.

In arbitrations relating to disciplinary measures and all types of discharges:

- the burden of proof rests with the employer, meaning the employer has to prove that its allegations are true (except in the case of dismissal of temporary workers during their probationary period, when the burden is on the union to prove that the grievor's work was satisfactory),
- only evidence that is related to the reasons outlined in the written notice can be considered as proof.

Suspensions

There are three types of suspensions:

Definite

A worker is barred from work and receives no pay or benefits for a specific period of time. Definite suspensions can be applied only when other disciplinary

measures (verbal and written warnings) have failed, except in cases of serious misconduct.

Indefinite

A worker is removed from the job without pay for an unspecified period of time while an investigation of the alleged misconduct takes place. Indefinite suspensions should only happen when a worker is suspected of serious misconduct and when his or her continued presence at work could be a threat to the safety and well-being of other employees, the security of the mail, or the property of Canada Post.

Emergency

A worker is barred from finishing a shift and the suspension is unpaid. Supervisors are given the discretion to give an emergency suspension if they judge that a worker's continued presence is going to be a problem, for example, in cases of repeated acts of insubordination, refusal to work or fighting.

Supervisors have often abused emergency suspensions. Supervisors get to decide on the spot and by themselves, whether an action is insubordinate. For example a worker who is yelling or swearing, regardless of whether it is in response to an unreasonable request or provocation from the supervisor, can be suspended. The union believes that emergency suspensions arbitrarily violate both the meaning and the intent of Article 10, which guarantees, among other things, 24-hours notice before discipline, the right to union representation, and the member's right to refuse to participate in disciplinary interviews.

What to do

If a member tells you that he or she has been suspended, find out what has happened and why. Once you have collected the facts, decide on the most appropriate action.

Remember that if management insists on the emergency suspension, Article 10 applies regardless of the details of the particular incident. A written notice explaining why the emergency suspension is necessary must be given beforehand or at the same time as the suspension. If management fails to do so, the suspension is nullified.

In the majority of emergency suspensions, it's a good idea to request an emergency meeting to try to get the supervisor to reverse his or her decision. Keep in mind, however, that a violently angry or upset worker could put you at a disadvantage or affect the outcome of the meeting. Consider the circumstances and consequences before you take action.

Interviews

Counselling interviews

If the employer intends to interview a member about a disciplinable incident or his or her attendance record, the employer must give written notice of the interview 24 hours in advance. The notice must indicate:

- the purpose of the interview
- the time, date and location of the interview
- whether the personal file will be used, and
- that the member has the right to be accompanied by a union representative.

If a member tells you that he or she has a counselling interview:

- Ensure that he or she was given 24 hours notice. If management did not give proper notice, the employee has the right not to attend.
- Ensure the written notice explains the purpose of the meeting:
- If the interview is for discipline, does the notice give specific information about the alleged offence? For example, for alleged absences from work areas, does it specify times and dates?
- If the interview is to discuss attendance, does the notice identify the period being reviewed?

Check if the member's personal file will be used in the interview.

- Ask the member's permission to examine the file prior to the interview. Examine the personal file for all interviews to see what can be used for or against the member. You are entitled to a reasonable amount of time to examine the file.
- Ask the employer to photocopy any documents that you consider relevant to the case. This is a common practice. If the office or station doesn't have a photocopier, you may have to write out relevant information.
- If there are any reports over twelve months old, insist that the employer remove them and don't let that information be used against the worker.

The member has the right to refuse to attend any interview for which proper notice has not been provided.

Attendance interviews

If you ask, management will normally provide a summary of what they intend to say in the interview. Use this information and the personal file to tally how many and what kinds of absences the member has had over the past twelve months. (For example, two certified, one casual, four injury-on-duty, three leave without pay, one absence without leave, three 2-hour early departures, etc.) Make note of any past counselling letters, as well as the number of sick leave credits remaining. Your defence will depend on the worker's record and management's overall attitude toward him or her.

Check to see if there is any trend to the absences (for example, often absent the day after pay day or in conjunction with rotation days), whether the time off could be considered excessive and whether the 15 days of sick leave earned in a year have been used. It may help if you break the absences up by calendar year or fiscal year and establish a ratio or percentage of the absences. Ask the member for information about the causes and patterns of absences, as this will be important to counter the employer's arguments. Mentioning specific illnesses or problems in the interview can sometimes help, but each case will be different. Discuss this with the employee and if you need advice, contact a local officer prior to the interview.

Advise employees against participating in Canada Post's Employee Assistance Program (EAP) and let them know that they can get help from a member who is trained as a social steward. Explain that the assistance from a social steward will be confidential and impartial. In some cases, an employee missing a lot of work may be trying

to deal with personal circumstance such as substance abuse, gambling addictions, or marital problems. The union can help through its social stewards. If there are no social stewards, contact your local executive.

The counselling session

Your role in a counselling session is to verify the facts, help prevent the member from feeling intimidated and ensure that the matter in question is dealt with fairly and constructively. Ensure you are fully prepared prior to the interview. At the counselling interview, you have the right to represent the member, including the right to speak and to advise the member.

Check that the employer has established reasonable and uniform standards for what is considered excessive absences in the office or section where the members work. You should find out whether the employer is treating all workers in the same office or section equally.

The counselling session is also an opportunity to get information about the employer's motives and rationale for acting against the member. At the interview, you should take note of the employer's statements and be prepared to act as a witness if necessary. You should grieve any arbitrary actions taken against a member as part of an employer's campaign to reduce absenteeism. Keep a detailed record of all the information collected from the personal file and interview in case you have to file a grievance.

Disciplinary interviews

In any type of disciplinary interview, find out exactly what standards, time frame and information the employer is presenting. Establish whether management has followed its own guidelines on discipline, such as progressive discipline, equal treatment, employee awareness of the infraction, etc. For example, it is important to find out what informal steps, if any, were taken. Was there a verbal warning?

These are the factors the employer must consider prior to taking disciplinary action towards a worker:

- the seriousness of the offence.
- whether the employee was aware he or she was committing an offence.
- the discipline given for similar offences.
- mitigating circumstances.
- the reasonableness of the penalty, and
- the motivation or intent of the employee concerned.

Check to see if management considered these factors prior to issuing a disciplinary sanction. If not, the union can use these facts in its favour during the grievance process.

During the interview, collect information about the employer's motives and rationale for taking the action against the member. Take notes of management's arguments, statements and evidence submitted.

You should file a grievance if the disciplinary action is unjust, if the discipline is too severe, or if the employee appears to be the target of frequent or sustained harassment.

The investigation: preparing for interviews

Ask the member's permission to examine his or her personal file to see what can be used for or against the member. If there are any reports over twelve months old, insist that the employer remove them and don't let that information be used against the worker.

When you interview the member, be sure to write down all the details (both good and bad) of an alleged incident immediately. If witnesses were present, interview them and, whenever possible, ask for written statements.

Lates

Determine if there is a pattern and see if there are reasons (problems with bus schedules, child care, parking, etc.). The employee must have made an attempt to be at work on time, but the employer may take into consideration extenuating circumstances.

Absent without leave (AWOL)

AWOL occurs when an employee has not been granted leave by the employer but does not report for work as scheduled. Employees may be disciplined for being AWOL and may also be disciplined if they are away from their work station. In the case of a first offence, the supervisor will usually give a verbal warning if the worker cannot give a good reason for being away from his or her work station. If possible, get witness statements to verify the employee's whereabouts if she or he was in another part of the building.

Assault

It is important to get witness statements as soon as possible in all cases of assault. Contact the local president to help organise the best defence of the employee. Management treats this type of incident very seriously.

If the altercation is between two members, it is usually better, if possible, to keep management out of it. If possible, try to cool down the situation between the two parties, but do not put yourself in any physical danger. If a member is accused of assaulting a management representative, the union must ensure that the employee's rights are protected.

Corporate Security

Employees must be given 24 hours notice and may be accompanied by a union representative if they are asked to participate in any investigations or actions taken by Corporate Security. The union has won an arbitration decision where the adjudicator stated "there is no reason why the duties of the postal inspector cannot be carried out consistent with the provisions of the collective agreement."

Here is what a member should be advised to do if summoned by Corporate Security:

1. Refuse to answer any questions.
2. Ask immediately for a union representative.
3. Demand to consult privately with the union representative.

4. Let the steward do all the talking on behalf of the member from then on.
5. The steward should find out exactly what the member is accused of or what Corporate Security wants.
6. Insist on the right to a 24-hour notice before being interviewed.
7. If Corporate Security asks the member to go to the police station, she or he has the right to refuse. If the member agrees to go, the steward is not obligated to go with them.
8. If Corporate Security brings in the police to arrest the member, she or he must go with the police, or possibly face (additional) criminal charges.
9. The member is under no obligation to answer police questions. She or he has the right to remain silent and should ask to speak to a lawyer. A member should not answer any questions or make any statement, until instructed to by a lawyer.

Criminal charges

When postal employees are involved in postal related crimes, Canada Post may decide in some instances to waive prosecution in favour of disciplinary action. This course may be preferable on genuine compassionate grounds or other mitigating reasons such as:

- length of service,
- previous work record of the employee, or
- special circumstances leading up to the offence.

The steward should advise members to follow the nine steps mentioned above and not count on the investigators to recommend discipline as opposed to criminal charges if an offence is alleged to have occurred.

Lie detector tests

Advise all members that they do not have to submit to lie detector (polygraph) testing. Canada Post representatives cannot initiate, suggested or demand these tests. All members should be aware of this, particularly those who have been approached by Corporate Security.

Medical examinations

Employers have the right to ask for medical information regarding the ability of an employee to perform his or her duties or to provide regular attendance. Clause 33.10 of the collective agreement sets out a detailed procedure for obtaining this information.

If the employer asks a member to go for a medical examination, ensure that the relevant provisions of the collective agreement are followed. For example, under Article 33, members have the right to paid time off and/or travel expenses.

Inform the member that personal medical history does not have to be released to the employer and advise the member not to sign a release for this type of information. The employer is only entitled to a statement as to whether or not the member is fit to perform her or his duties. The member should tell her or his doctor not to release any other type of medical information to the employer without permission.

There are, however, instances where the employer is entitled to information about a likely date of return to work. The employer has a right to have a general idea of the cause of the absence.

If the employer is not satisfied with the results and requests a further medical examination, don't let them misuse this process. Talk to your local or regional office for help and more information on how to handle the situation. There are legal precedents that restrict the employer in regards to this type of request.



Innocent absenteeism

Arbitrators have usually agreed that workers cannot be punished or disciplined for innocent absenteeism. However, arbitrators have also agreed that excessive absenteeism may be grounds to discharge an employee even if the absenteeism is blameless.

To decide if discharge is appropriate, arbitrators:

- examine an employee's absenteeism record to assess the extent to which the employee's condition has prevented him or her from doing the job, and
- assess the employee's future ability to report to work on a regular basis.

The factors considered may include:

- the nature and cause of the absences,
- how long the employee has had an attendance problem,
- how often the employee is absent and for how long,
- medical prediction of the employee's ability to report to work on a regular basis, and/or
- the effect of earlier attempts to rectify absenteeism.

Arbitrators may also require that the employer show the action was taken without discrimination. Therefore, the employer may have to demonstrate that an employee has been judged against some reasonable standard, for example, the average amount of absenteeism in a particular post office. The employer does not, however, have to show that an employee had the worst attendance record in the plant.

Clause 5.02 and attendance harassment

CUPW has an arbitration decision (Martinac, CUPW file 820-88-00003, September 15, 1990) that clarifies the scope of clause 5.02. The decision gives the union guidelines for enforcing the clause and preventing the employer from harassing members.

These guidelines include:

- Management must consider the reason for the absence, not just the number of days absent.
- The employer cannot mechanically consider absences during a set period of time. In Martinac, for example, virtually all the grievor's absences were during the first six months of a twelve-month period and there was only one absence during the last six months. The employer's concerns about attendance were not legitimate because the situation had clearly improved.
- The employer may, in cases where the absences always fall on certain days of the week (for example, before or after a rotation day off), ask for an explanation. If the member doesn't provide one, management may be able to place a letter on her or his personal file and scrutinise him or her further.

Some interviews may be legitimate, which can be helpful because it permits union representatives to give a member proper and timely advice. It may be that the member does have a problem that needs to be dealt with, like substance abuse. These may be instances where early detection can help the union save a member's job.



9.0 Health and safety

Protecting the health and safety of members has always been a top priority for CUPW. This commitment includes fighting for collective agreements that improve working conditions, creating health and safety committees and negotiating better health care plans.

The union recognises that the conditions in which we work affect our health. In fact, the combined effect of noise, lighting, temperature, humidity, vibration, dust and toxic substances at the workplace may be the single most important factor affecting our health. One of the most serious problems resulting from automation has been the deterioration of the work environment.

CUPW's objective has always been to fight for and win contract language that prevents accidents and injuries, promotes general health and well-being and encourages preventative health care.

National Day of Mourning

April 28 was declared a Day of Mourning for Persons Killed or Injured in the Workplace in 1991. For postal workers, this is a day not only to remember those workers who have been killed or injured on the job, but also a day to remind ourselves that Canada Post is a dangerous place to work. Despite ongoing work by the union and local health and safety committees, postal workers are still among the workers most likely to be hurt on the job in Canada and Quebec.

Creating a safe workplace

It is primarily the employer's responsibility to ensure a safe workplace and to take all appropriate measures to protect the health and safety of employees. This means not only fixing problems once they arise, but also striving to prevent them in the first place.

It is your responsibility to become familiar with all the clauses in Article 33 and to ensure that the employer lives up to its obligations. The local Joint Health and Safety Committee must fight against any failure by the employer to fulfil this responsibility. If an issue cannot be resolved through the Joint committee, the local executive committee should determine whether to deal with the problems through consultation between the union's regional office and Canada Post's divisional representatives. In some cases, a grievance may be the best option.

Rights and obligations of union representatives

If you see that the work environment is becoming unsafe, you must inform the employer in writing without delay. If the situation is urgent, you can give verbal notice instead.

You or another union representative must be present at all investigations or inspections and be provided with a copy of any reports that result.

Investigating accidents

The employer must investigate the causes of work accidents and health hazards in the workplace. A union representative must be present at all investigations. The

employer must investigate every accident, no matter how minor it may seem, since it is also responsible for preventing future accidents. You have the right to be present at every step of the investigation, and during the interview with the injured worker.

To make sure the investigation is complete make sure that all the following questions are answered:

WHO was injured?

- What is the worker's name, position, etc.?
- Who was the supervisor?
- Who were there witnesses?
- Who else was working in the area?

WHEN did the injury occur?

- What day and time?
- What shift?
- Was it early or late in the shift?

WHERE did the injury occur?

- What section?
- What equipment was being used?

WHAT work was being performed?

- Was the work assigned?
- Did the supervisor check the work area?
- Were the employees given safety instructions?
- What happened to cause the incident?
- What did the injured worker or the witnesses see, hear, feel or smell prior to or during the incident?

HOW did the incident occur?

- How was the equipment positioned?
- Was there an equipment failure?

If you use these questions to carefully explore each part of the incident, the most important question will be answered for you: **Why?**

Accident investigation procedures

1. Make sure the injured worker receives all the medical attention required. The employer is responsible for providing any transportation that is required.
2. Ensure safe conditions exist at the accident site. If not, clear the area.
3. Interview witnesses and the injured worker at the accident scene or as soon as possible thereafter.
4. Assess the accident scene, taking into account the machinery, equipment, environmental factors, etc.
5. Make a detailed record of the evidence.

6. Write a report that makes specific recommendations based on the findings of the accident investigation.
7. Ensure the Supervisor's Accident Investigation Report (SAIR) form corresponds to your analysis. If not, give your analysis to one of the union representatives on the local Joint Health and Safety Committee.
8. Make sure the employer's recommendations address the cause of the accident and suggest preventative measures that will work without just laying the blame on the injured worker.

Reports

The employer must provide the SAIR to the employee and the local Joint Health and Safety Committee. It must also provide the local with a copy of the *Provincial Workers' Compensation Board Corporation's Report of Accident*.



10.0 Harassment and discrimination

Many stewards identify harassment and discrimination by employer representatives or co-workers as a growing problem in the workplace. Dealing with harassment and bullying can be a difficult, time-consuming and stressful component of a shop steward's job. To make matters worse, shop stewards are often subjected to harassing or discriminatory behaviour by management or co-workers.

CUPW is committed to fighting harassment and discrimination at all levels, in the workplace and in the union itself. Harassment and all other forms of discrimination weaken the union and the labour movement, push valuable members to the sidelines and divide us from our natural allies. The long-term goal of CUPW is to develop strategies that not only address harassment and discrimination, but also prevent it from occurring in the first place.

What is harassment?

Harassment is any behaviour, comment or gesture that is offensive, humiliating, abusive, threatening, repetitive, or which has an adverse effect on a worker's employment. Examples of harassment can include jokes, displays of pornographic material, calling attention to parts of women's bodies, repeating racial stereotypes, racial or homophobic slurs, hitting, slapping or pinching, laughing at people who are differently abled. Whatever form it takes, harassment has two key components: it is unwanted and it has a negative effect on the member's job.

Harassment is an abuse of power by one person or group over another. It is driven by prejudice and discriminatory feelings towards women, lesbian, gay, bisexual and transgender people, people of colour, people with disabilities, aboriginal people, people who are differently abled and other marginalised groups in society.

Harassment is violent. It can be physically, verbally or psychologically violent and has serious effects on the target of harassment, witnesses, co-workers and family members.

Harassment is illegal. Workers who are being harassed can file a grievance and/or a complaint with the Human Rights Commission. In cases of physical and/or sexual assault, criminal charges can be laid with the police and civil charges can be taken to court.

Why must unions fight harassment?

Justice

Harassment and discrimination are wrong. CUPW is a union committed to social justice and equality for all members of society. Harassment is a direct threat to those values.

Solidarity

As workers, our strength is in our solidarity. Harassment prevents us from working together to fight for better wages, safe working conditions, and justice in the workplace, society and in our union. Sexism, racism and homophobia divide us from our natural allies—other

workers. When we allow harassment to take place, we condone all forms of discrimination and weaken the union.

Health and safety

Harassment can create health and safety problems. It can lead to physical, emotional and social distress, ranging from headaches, indigestion and insomnia to high blood pressure, clinical depression and suicide. Poor concentration and fatigue are common side effects of harassment, which can lead to workplace injuries.

Job security

Finally, it can be a job security issue. People who are being harassed may be disciplined for workplace accidents, mistakes or increased absenteeism. Sometimes, they may decide to quit to escape an intolerable situation.

Creating a harassment-free environment

Employers have the primary responsibility for providing a harassment-free environment. Employers are also responsible for harassment of employees by non-employees, such as clients, customers, or contractors. However, the union plays an important role and must ensure that any incidents are dealt with promptly and effectively.

As a steward, you should lead by example. You have a responsibility to help create a safe and supportive environment where members can approach you with

their concerns. Your action or lack of action can have a direct impact on the work environment. For example, if you do not challenge a sexist or homophobic joke or a racist remark (or, worse, if you are the one making the comments) other members will probably not feel safe talking to you about harassment or discrimination.

What to do when you have a harassment complaint

Take immediate, thoughtful action.

Delays of even a few days can make the process more difficult and signal to the member that you are not taking the problem seriously. Arrange to discuss the issue privately, in a non-threatening area.

Advise the complainant of his or her options.

Article 56 of the CUPW/ CPC collective agreement outlines the rights, obligations and procedures related to harassment. Use the information in the section to inform the member of his or her rights and talk about the procedure you will follow. In addition to Article 56, the member can also use the grievance and arbitration process, or file a complaint with the Canadian Human Rights Commission.

Arrange for another steward or officer to help with the complaint.

If you don't feel that you have enough experience or training to handle the complaint on your own, ask for

help. Discuss this option with the complainant.

Talk to the member about possible actions.

Has the complainant told the perpetrator to stop? Does he or she feel comfortable doing so, with your support, if needed? Does he or she want you to talk to the person, or deliver a letter outlining the unacceptable behaviour? Or talk to a supervisor or file a grievance?

Decide on a course of action.

Usually, the first and most important thing a complainant wants is for the harassment to stop. Often, a complainant will prefer an informal solution that does not involve a formal complaint or grievance. This route will usually provide the most privacy. Some complainants are fearful of reprisals, particularly new and temporary workers, and the union should respect their desire for privacy.

If you think the matter is too serious to be resolved by an informal process, say so.

If you think there are complicated issues to be resolved, such as payment for damages, reinstatement of sick leave credits, cost of vandalised belongings, or the cost of medication or treatment, you should encourage the member to file a grievance. The ultimate decision, however, must rest with the member.

Keep the process moving.

Whether the complainant decides to take formal or informal steps to resolve the problems, try to avoid delays that can stall the process and discourage the member.

Respect the member's confidentiality

Strongly discourage everyone involved in the investigation from discussing it with others at work. Explain the importance of confidentiality and the damage that rumours can cause. Information leaks can cause greater disruptions on the work floor as members choose sides. This will make repairing the damage much more difficult.

Interviewing the complainant

When interviewing, listen, be open-minded, sympathize and don't judge.

- Don't grill the complainant. Ask questions to clarify information, but try not to unnerve the member.
- Acknowledge that discussing the incident might be difficult and uncomfortable.
- Speak calmly. This helps alleviate tension.
- Avoid asking questions that imply that the member did something wrong. For example, don't ask why he or she didn't do something to stop the harassment or come to you sooner.
- Don't ask leading questions like, "Did he touch you on the shoulder?" Instead, ask open-ended questions like, "Did he touch you? Where?"

- Take careful notes from this interview and any other discussions. Do not rely on your memory.

Ask the complainant to write down a complete statement as soon as possible. Encourage him or her to be as specific as possible including names, dates, frequency, places, and specific behaviour. Suggest that he or she document any subsequent activities.

Keep track of dates, locations, witnesses, responses and discussion. Gather supporting documents and evidence.

Continue to be supportive of the member while the matter is being dealt with and keep him or her informed of developments.

Document the effect of the harassment, to the extent possible. Some negative effects might include effects on the complainant's job, increased hostility in the work place, effects on health.

Ask whether the complainant has any immediate concerns, such as fear for his or her safety, that need to be addressed at once.

The complainant should not be punished.

- She or he may wish to move to another environment while the investigation is undertaken.
- Depending on the nature of the incident, the employer should immediately remove the respondent from the work area while the investigation proceeds.
- The complainant may require time off work.
- If required, contact the local social steward or local executive for help in arranging counselling services.

Be observant for signs of retaliation. The respondent and his or her friends may attempt to retaliate against the person who reported the harassment. Retaliation or reprisals can include threats or further harassment such as ridicule, bullying and organised ostracism. Recognise that other workers may be harassed because of their association with the person being harassed, for supporting him or her, or for reporting harassing incidents.

If the incidents are between two members, explain at the outset that the union has a duty to represent both sides. Different stewards must represent the two members.

Representing a member accused of harassment

A member accused of harassment, referred to here as the respondent, may approach you for assistance or information. If you are the steward who is representing the complainant, you should direct the member to another shop steward or another union representative, such as a regional grievance officer or someone from the local executive.

If you represent the member accused of harassment, you must ensure his or her rights are not violated. He or she has a right to know the exact nature of the complaint, who the complainant is and what the specific accusation is, including the date, time, action and response. The respondent must be given the opportunity to defend him or herself with regard to the allegations.

If the respondent acknowledges partial or complete responsibility, explore the possibility of an apology. Be

clear this may not resolve the issue for the complainant.

The respondent must be given written copies of the complaint and any other evidence, and should have at least 24 hours to read and respond before an interview with the employer. If the employee is disciplined, make sure that the employer conducts a proper investigation and follows the procedures in the disciplinary process.

If the member wants to challenge the findings of the investigation and any discipline that results, discuss the case with the local or regional grievance officer before filing a grievance.

Let the member know the social stewards' network or local executive are available to provide assistance. If you think it is appropriate, suggest he or she take a union human rights course.

If the member is found guilty of harassment, remember that your role is to protect the member's rights, not condone the harassing behaviour. If there is an opportunity, try to encourage a change of consciousness that builds solidarity.

Employers who harass

Harassment is an abuse of power and, as such, very often harassment comes from the employer. A supervisor may use his or her position to sexually or racially harass a member as an expression of authority. This element makes it distinct from worker to worker harassment and has, in the past, resulted in the award of monetary damages to the victim. Employers are directly accountable for the actions of those they appoint to positions of authority in a way that they are not with other employees.

As with any harassment complaint, you must act immediately, investigate and present the facts to the Human Resources person responsible for investigating human rights complaints for the employer. Here, too, confidentiality is vital. If the complainant and the union are not satisfied with the employer's response, you must file a grievance.

CUPW encourages a "zero tolerance" approach to any inappropriate action you see or hear about. You must raise a complaint with the employer as soon as possible. It is not your job as shop steward to educate the supervisor about human rights; this is the employer's responsibility. Your role is to ensure accountability in meeting this obligation.

Building a safe workplace

Women, lesbians, gay men, transgender people and people of colour are subjected to sexist, racist, transphobic or homophobic remarks and jokes on an almost daily basis. The union must be pro-active and build an environment that is safe, secure and inclusive, an atmosphere that nurtures diversity. We have to put more pressure on employers to live up to their responsibility to provide a workplace that is supportive and not poisoned by discrimination and intolerance.

As a steward, point out harassment when you see it and explain why it is anti-worker and anti-union. By speaking up when such behaviour occurs, you create a safer space for other sisters and brothers to voice their objections. More importantly, this action shares the burden of stopping harassment and does not leave it on the shoulders of the people being harassed.

A step you may want to take to stop a member from making inappropriate comments is to say the following: “Your comment is offensive to me and others, and violates the collective agreement. The union can’t do much to defend this kind of behaviour, and arbitrators tend to have a very low tolerance for this kind of behaviour in the workplace.”

Education is part of the solution

Ongoing education on human rights in every local can help prevent incidents of sexism, racism, and homophobia. CUPW has produced a video called *Closing the Door on Harassment*, which is available from your local or regional office.

Participation is another key

One of the main tools we have to fight sexual and racial harassment, homophobia and discrimination against people with disabilities is the increased union participation of women, gay men, lesbians, people of colour and people with disabilities. Unfortunately, the under-representation of these very people in prominent positions in the union is both a symptom and a reinforcement of the barriers they face within the union and in society as a whole.

As a steward, you can help to promote local human rights committees, local women’s committees and develop leadership among under-represented members. You can also help organise local human rights courses and assertiveness training seminars for women. Encourage the active participation of marginalised members in all

union activities and lead the way in showing that their voices and contributions are an important part of the struggle.

If you would like information for local workshops, contact your regional education officer.



11.0 Union education

In the 1992 contract negotiations with Canada Post, CUPW negotiated the Union Education Fund. Since then, CUPW has developed a dynamic program that educates members on a wide variety of work, union and social justice issues. CUPW education is based on working class values. It highlights the differences between the interests of workers and of those of their employers. Union Education Funds have also been negotiated for a number of other bargaining units.

CUPW is committed to workers teaching workers. The union trains activists to be facilitators. Facilitators teach courses on a variety of subjects every fall and spring. There are three day and five day courses.

There are lots of courses that can help you as a steward. You should start with the Basic Steward Course, the Advanced Steward Course and the Leadership Skills course. Many of the three and five day courses may also be helpful. These include courses on health and safety, human rights, free trade and globalisation, building a culture of resistance, the post office, arbitration, route measurement and organising. Women should consider taking Women in Leadership Development (WILD).

All members are invited to apply for the Union Education Program (UEP). The UEP consists of four one week sessions that are held at the Canadian Autoworkers' Education Centre in Port Elgin, Ontario. The worker facilitators who teach the program encourage participants to develop a deeper understanding of social, political and union issues that affect workers around the world. CUPW uses the Union Education Fund to send members working at Canada Post to the UEP. Other CUPW



members can access the UEP through their own education fund or by making a request to the national union.

Any members who are interested in participating in courses, should contact the local president or local education committee for more information.

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