

NAPE

Newfoundland and Labrador Association of Public and Private Employees

SHOP STEWARDS HANDBOOK



DISCLAIMER

This publication is for information purposes only and does not take the place of legal and other professional advice.

ACKNOWLEDGEMENT & THANKS

Much of the content of this handbook is taken or adapted from the exceptional Shop Steward Handbook produced by the Canadian Labour Congress.

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/NAPENL

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/napenl

nape.ca

THE STEWARD'S CREED

I believe I am responsible to the workers I represent.

I will serve them as a Shop Steward without playing favourites in any way whatsoever.

I will investigate each complaint I get.

If it is a sound grievance, I will not pass the buck. I will do my level best to win the case. If it is not a good grievance, I will not lead the person involved to expect results that can't be obtained.

I will explain why the complaint is not a legitimate grievance.

I believe that the power of our union to win gains for its members will depend on how well-informed and active those members are; therefore, I will do my part in educating and stimulating action in those I represent.

I will at all times discharge my obligations to the best of my ability.

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**MESSAGE FROM
NAPE'S PRESIDENT &
SECRETARY-TREASURER**

Trevor King, Secretary Treasurer

Jerry Earle, President

MESSAGE FROM NAPE'S PRESIDENT & SECRETARY-TREASURER

Dear NAPE Shop Steward:

We are not exaggerating when we say that as a Shop Steward you hold one of the most important positions within NAPE.

The Shop Steward is the face of NAPE in the workplace. You are where members go for help with their workplace problems and information about their union.

We both served many years as NAPE Shop Stewards in our workplaces. We know how hard it is to do the job well. We know the long hours – often without thanks. And we know how rewarding it can be to help a member. How fulfilling it can be to live a life based on the principles of the labour movement – fairness, tolerance, respect, and solidarity.

Shop Stewards are usually the first union representative to welcome new members. Members draw their attitude toward NAPE and the labour movement from their Shop Stewards. They learn about the union and its activities – from their Shop Stewards.

There is no better role model for union members than an enthusiastic, involved Shop Steward. You are the reason other members become involved. That involvement could be as simple as attending a Local meeting – or you may help someone take their first step to become a leader within our union.

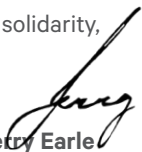
Just as you have your co-workers' backs, remember that NAPE has yours. Your Local Officers are here for you. Your Staff Rep is here for you. Your Component and Regional Board members are here – for you.

As your President and Secretary-Treasurer, we are always here – for you. So just pick up the phone or send an email when you have a problem you can't solve. A question you can't answer. And even when you just need to hear someone say – you've got this!

Please take advantage of the training offered by your union. And please don't hesitate to make suggestions about ways we can make your role within NAPE easier.

Words cannot fully express the gratitude we feel for NAPE's Shop Stewards, but we will continue to try. Because our great union simply couldn't exist without your support.

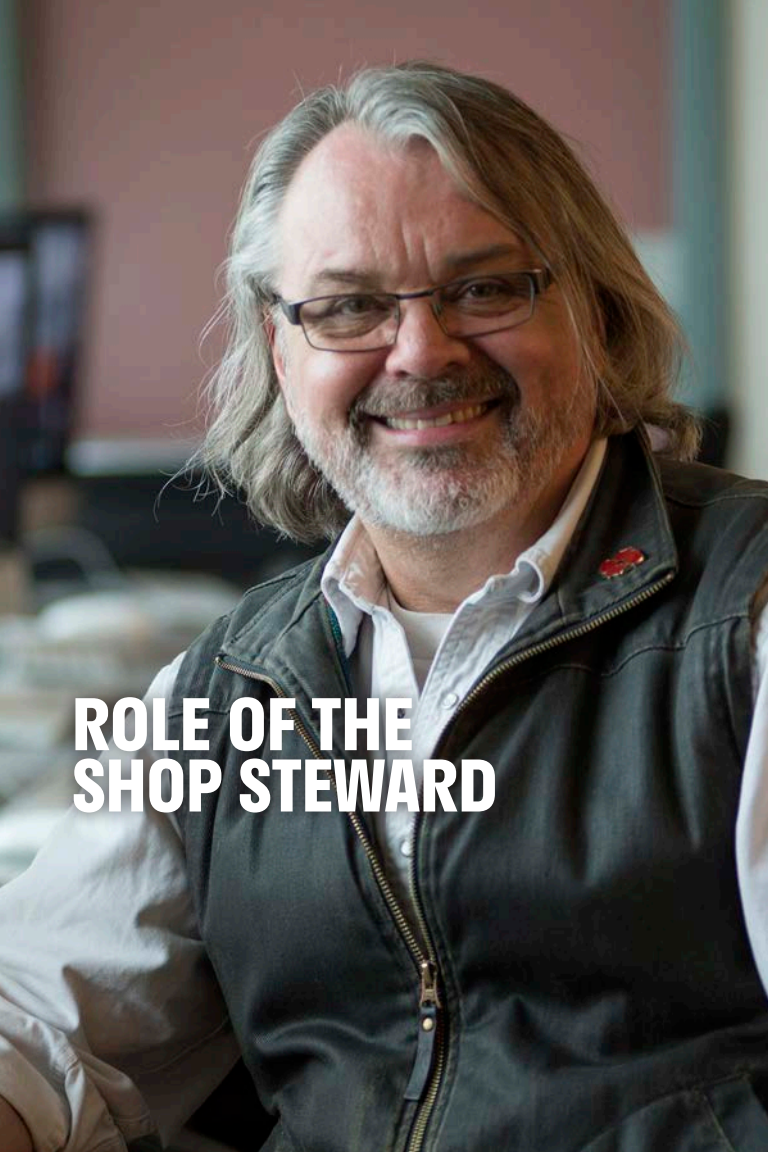
In solidarity,



Jerry Earle
President



Trevor King
Secretary-Treasurer



ROLE OF THE SHOP STEWARD

ROLE OF THE SHOP STEWARD

The Steward's main roles are:

- Enforce the collective agreement
- Deal with complaints
- Settle grievances
- Connect members to their union

Shop Stewards act as the hub for union networking in the workplace. Your direct contact with members helps connect them to NAPE – and to each other.

For many union members, their Shop Steward is the only actual contact they have with their Local and the wider labour movement. That's why a Shop Steward's ability to engage and connect with members is essential – from casual face-to-face contact to Local meetings to sharing information from NAPE – like emails and Facebook posts.

When members are connected, they participate. More participation builds stronger unions and better working conditions for everybody.

What Should a Shop Steward Know?

No Shop Steward can be expected to know all the answers when they first take on the job. You will learn by studying, listening, and participating in day-to-day union activities. But there are a few things every Shop Steward should know.

Your Collective Agreement

As a Shop Steward, you must read, understand, and enforce your collective agreement. You don't have to memorize it word-for-word, but you must know where to look for the

provisions that apply to any particular type of situation or grievance.

Employer's Policies and Workplace Rules

Read these, especially the sections dealing with disciplinary action. Read employer emails, notices, updates, and newsletters. Monitor the news and social media for news about your employer.

Labour Law

You don't have to be a lawyer; but knowing something about important labour laws that affect the union and your members will help you protect your members, build our union, and settle grievances.

As a NAPE member, you work under the provincial Labour Relations Act and / or the provincial Public Service Collective Bargaining Act.

The best way to improve laws is by creating public pressure and electing pro-worker / pro-union governments. Your local labour council is the perfect forum to discuss the effects of legislation on unions. (See 'Why Unions Are Involved in Political Action' for more.)

A woman with a purple beanie and purple scrubs with a medical-themed pattern (hearts, stethoscopes, band-aids, and charts) stands in front of a blue building. She has her hands clasped in front of her. The text "OTHER KEY THINGS TO KNOW" is overlaid in white on the center of the image.

OTHER KEY THINGS TO KNOW

OTHER KEY THINGS TO KNOW

Arbitration Cases

You should have a general knowledge of arbitration cases and decisions involving your collective agreement. These decisions are known as “jurisprudence” and are very important to settling current and future grievances.

Duty of Fair Representation

All NAPE members in the bargaining unit have the right to be fairly represented by the union. Fair representation means that the union must not act in a manner that is discriminatory, arbitrary, or in bad faith toward any member. This means that the union must serve and represent all members equally. You don't have to like every member, but as a Shop Steward you have a duty to represent every member to the best of your ability.

Physical Working Conditions

You should have a general knowledge of all the work that is done in your workplace. This includes the working conditions, the production requirements, and the machines or equipment associated with them.

Jobs and Rates of Pay

You should be familiar with the jobs or classifications in your workplace and the rates of pay. All of this information is included in your NAPE contract, and you should know where to find it. If there is an incentive system, understand how it works. Keep helpful information like seniority lists and past grievances handy, but make sure it's not accessible by management.

Supervisors

Get to know all the supervisors you deal with – from their area of responsibility and authority to their personal traits.

Your Members

As much as possible, you should get to know all the members you represent, their personal characteristics, interests, and concerns. How? By listening to them and getting to know them as people. The better you know your members – and the better they get to know you – the easier it will be for you to talk about the union.

Your Union

One of your key jobs is to build the union. To do this, you need to know NAPE, what it's all about, what it's doing, and why. Learn the structure of NAPE. Get familiar with the resources that are available through the NAPE website, Facebook page, education programs, conventions, etc. Know your Constitution, your local by-laws, and how NAPE dues are calculated. Read your union newsletters, and attend union meetings. Also see the chapter 'About NAPE.'

Yourself

Know your strengths and limitations, and don't be afraid to ask for help. No one expects you to learn everything overnight. You'll start with a basic understanding and grow your knowledge as you perform your role.

Finally, keep in touch with your Local executive. And get to know members from other Locals by attending conferences and conventions.

A close-up portrait of a woman with long, wavy brown hair, smiling warmly. She is wearing a bright red short-sleeved scrub top. A black stethoscope is draped around her neck, with the chest piece resting on her chest. On her left chest, there is a small, partially visible logo that says "LPN". On her right sleeve, there is a small, circular logo with the word "JOEY" inside. The background is blurred, suggesting an indoor setting like a hospital or clinic.

SKILLS A SHOP STEWARDS NEEDS

SKILLS A SHOP STEWARD NEEDS

There is no single type of personality that makes for a good Shop Steward, but there are definitely certain skills that all good Shop Stewards have. These are organizing skills, education skills, and communications skills.

Organizing Skills

Being a good organizer is essential. It requires a variety of skills. It's essential that members be comfortable approaching you. You may know the collective agreement inside-out, but if you aren't approachable, members may not ask you for help. And you may not know what is really going on in the workplace.

Good organizers balance getting things done with building connections with their members.

Checklist: Being a Good Organizer

- ✓ Assess whether all your members are represented in union leadership, committees, and initiatives.
- ✓ Make it easy for members to participate and welcome all forms of support, no matter how active or inactive a member is in the union.
- ✓ Remember there are many different kinds of tasks and roles in a healthy union and many ways members can be active. Help members find ways to become involved that suit their personalities and skills.
- ✓ Foster democracy and teamwork.
- ✓ Lead by involving members in activities and planning.
- ✓ Keep things simple, and tackle the biggest problems one step at a time.
- ✓ As much as possible, keep things fun.

Education Skills

Prepare yourself! Learn by taking the courses and workshops provided by NAPE. You'll find opportunities to learn about everything from Shop Steward training to union organizing and bargaining to human rights. Dive in!

To be good teachers, Shop Stewards need to do a lot of learning first. Study your collective agreement, NAPE's Constitution, and your Local's by-laws – make them accessible to your membership. Together with your Local executive, use Local meetings to answer questions about the collective agreement and provide updates on the status of grievances and arbitrations.

A vital part of the Shop Steward's role is to be an excellent listener. But Shop Stewards should also always be ready to remind members what NAPE does for them. Be clear and ready to tell the union's story: better working conditions, workplace health and safety, higher pay, and better benefits.

Tips:

- Study your collective agreement, Local bylaws, and Constitution.
- Be a good teacher by treating your members respectfully and sharing information freely.
- Learn from your members' knowledge, and support their learning journey.

Remember who you are educating. Your members are adults, and you should treat them as equals with the same respect that you expect. Your goal is to share information, not to show off how much you know. Remember that education is a two-way process – both the teacher and learner have to be involved and engaged.

Unless you learn from your members – from their knowledge, experience, and insights – you cannot be a good educator yourself. Besides, not respecting and appreciating the qualities in someone else is the quickest way to turn them off.

Communication Skills

These days, people expect to be able to access information easily. They also understand that communication is a two-way street.

This means that NAPE has to tell its story (on its website, in its newsletters, on Facebook, in advertising, etc.) at the same time that it listens to its members. By listening to members, the union learns how to be relevant.

In other words, if you listen carefully to those around you, people will pay more attention to what you have to say when you do speak. Your members will feel heard and respected. This is vital to building a relationship with them and engaging them in the life of their union.

Tips:

- Go for the connection – not the hard sell.
- Listen to hear what is being said – not to hear what you want to hear.
- Try not to argue or be defensive.
- Reflect on what members have said. A good trick is to say, “If I understand you correctly, this is what you said” – and then summarize what was said to you.

How to Set an Example

By your actions, show your membership that you believe in the union’s policy of an equitable and just society and workplace. Be assertive in standing up against any form of oppression.

How to Dispel Fear of the Boss

Treat your supervisor as an equal, and show that you expect to be treated as an equal. Don't be afraid to speak up in defense of your members or the collective agreement.

How to Eliminate Bias

Here is how you eliminate bias from your actions. Speak up for all your members. Represent all members fairly and equally regardless of race, politics, religion, sex, or sexual orientation – and keep your word.

How to Smash Rumours

Rumours, especially those involving / originating from / started by the employer, can cause fear and division in the membership. Find out the truth and then talk to your members.

How to be Accessible

Keep in close contact with your membership, and let them know where you can be found at all times. Encourage workers to come to you with their problems rather than to the supervisor.

What to Do if You Don't Know Something

If you don't know the answer, don't make it up! Tell the member that although you don't have the answer right now, you will find out and get back to them as soon as possible. Make sure you follow up. The union movement is full of the resources you need to get the answer.

How to be Politically Aware

Know the provincial and federal labour laws that affect you, your members, and your union. Support political candidates who support labour's program. Keep up to date on labour and political issues, and share what you're reading and watching. Be active in your community and in your District Labour Council wherever possible. Encourage your members to do the same.



TOOLS SHOP STEWARDS NEED

TOOLS SHOP STEWARDS NEED

GOT EVERYTHING? CHECK THE LIST, AND MAKE SURE YOU HAVE...

- Copies of the collective agreement – at home, at work, in your car, and on your computer, phone, and tablet
- A separate seniority list
- A copy of the employer's rules and regulations
- A copy of the provincial Occupational Health and Safety Act
- A copy of the provincial Workplace Hazardous Materials Information System (WHMIS) regulations
- Grievance forms plus fact sheets and any other forms NAPE expects you to use, either in electronic form or hard copy
- NAPE Constitution and Local by-laws
- Kits for new members. This consists of the New Member Handbook, an application for a membership card, and a copy of your contract. Use them to introduce yourself to new members and to explain to them what NAPE is and the benefits that union membership brings.
- Pen, paper, notebook, or device (be ready to take notes)

You might have all of this information on your smartphone, tablet, or laptop. Or you might prefer paper versions of everything. The important part is that the information and the tools are at hand when you need them – and you never know when you might need them!



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**MEMBER
ENGAGEMENT**

MEMBER ENGAGEMENT

Building a Sense of Belonging

Member engagement is about making sure all members feel included. This means it's vital for NAPE Shop Stewards to know who their members are, where they work, and what they care about.

Unions across Canada and elsewhere are rediscovering the need to engage members to strengthen themselves and build the labour movement. Shop Stewards can help more members feel connected to their unions by improving their member engagement skills.

The goal is to have more members think of NAPE as their union – as an organization they are proud to be part of, as a place where they feel a sense of belonging, and as a group that shares similar values and acts to protect the interests of its members and the wider community.

Any union member can be part of the process of engaging others, but Shop Stewards play a central role in building welcoming, inclusive, and connected Locals. Cultivating ongoing member engagement is an important piece of the Shop Steward's role.

3 Steps to Engaging Members

So, how do we engage our members? Good question. It's as simple as "Go, Listen, and Build."

Step 1: Go to Where Your Members Are

We start by going to where our members are. We need to stop expecting them to come to us.

We need to reach out and connect with them where they are, literally. If everyone hangs out at a certain place after work, go there. If lots of your members hang out at the same community centre, go there. If they're all on Facebook – then that is where you go to connect with them.

The important thing is to connect with our members where they work and where they play.

To make sure we reach all our members in the workplace across sites, departments, and shifts, we must know where our members are located and how to reach them.

Also, remember to find out what's on your members' minds so you can respond to their concerns. Listen to them – at your meetings, using online surveys, social media, face-to-face, whatever – and then work on the issues that matter to them.

Addressing your members' concerns will always be one of the best ways to connect with them (or with anyone). Over time, we learn how to connect union issues to the concerns of our members.

Step Two: Listen

There are usually two parts to a good conversation: speaking and listening. We don't always remember the second part.

When you're talking to a member for the first time, remember that any one conversation can be the beginning of an unfolding process. Keep it friendly, open, and casual – and brief. If conversation were an onion, listening would be the first layer.

- Make eye contact, if appropriate – or convey you are listening in some other way, either through sounds or body language.
- Listen to hear what is actually being said – not to hear what you want to hear.
- Don't respond, rebut, or reject.
- Reflect back on what you hear. A good trick is to say, "If I understand you correctly, this is what you said." And then summarize what was said to you.

Step Three: Build Relationships

We build deeper relationships by connecting with members as people and discovering shared values. This creates a sense of belonging, which leads to solidarity and helps members form a closer connection with NAPE.

In other words, we organize and educate together – and then we mobilize. The best way to build union power is to build a culture of connection – a strong base to engage into action.

Inclusive Member Engagement

Just as the workplace should reflect the changing face of society, so should NAPE. More than any other organization, a union belongs to its members. This is why we must constantly work hard to include all of our members and reduce systemic barriers to participation.

It's important for all of us to assess whether our union is really accessible and welcoming for the entire membership – from the Local level on up to the provincial level. If it isn't, talk about it and involve people in naming and addressing barriers.

Ask yourself questions like:

- Does our Local leadership, from the Shop Stewards to the Executive, reflect the make-up of the membership? If not, why not? Are we really listening to our members, connecting with them, and building with them?
- Is diversity central to our operations – or an afterthought?
- Do we welcome people from all communities and cultures?
- Do we welcome diverse points of view?

Practical Considerations

Don't forget practical things like:

- Do our Local meetings occur at times when family responsibilities would make attendance impossible for some?
- Do members have transportation?
- Are our meetings accessible to members with disabilities?
- Does our Local provide translation services for those members who are more comfortable in their own language?
- Does our Local provide translation services when needed for members with hearing or vision challenges who may want to take part?



THE COLLECTIVE AGREEMENT

Maritime
Labor
Transparency
with Transparency

WATER SPRAY FIRE AP
FIRE STATION 26

THE COLLECTIVE AGREEMENT

A collective agreement is a contract. It sets out the ground rules at work – for you and for your employer. It sets out working conditions, wages, and benefits. It also lays out processes to resolve workplace issues (grievances).

Get to know your contract. You don't have to memorize it word-for-word, but you should know where to find commonly used provisions.

All NAPE Collective agreements can be found on our website here: <https://www.nape.ca/member-services/collective-agreements/>

Written collective agreements (or contracts) specify a unionized workplace's working conditions, wages, and benefits.

Collective agreements are hammered out by representatives of your employer and NAPE, usually after weeks or months of negotiation. Your elected negotiating committee is helped by a NAPE staff rep who knows how to negotiate and knows current bargaining trends. Employers use a whole battery of experts to negotiate on their behalf.

Contracts are essentially compromises between your employer and your union. That said, there are no unimportant clauses. If there were, unions wouldn't fight so hard to put them in. If you disregard one clause, or let the employer break it at will, you will have a much tougher job trying to enforce the sections you want enforced.

The contract is like a set of rules that says, 'This is the way things should be.' But, like traffic laws, the contract

isn't always followed. And the contract doesn't enforce itself – that's where Shop Stewards come in.

The Contract and the Shop Steward

It's the Shop Steward's job to watch for contract violations and to speak on behalf of workers who are affected by those violations. If you don't enforce the contract's provisions – through a formal process known as the grievance process – then the contract is worthless.

Not all complaints become grievances. But grievances do grow out of the problems, the dissatisfactions, complaints, and hopes of the membership. By handling these problems correctly, you bring NAPE in close touch with the membership. Of course, there are going to be grievances you won't know how to handle. When this happens, don't be afraid to ask for advice from your NAPE staff rep.

A middle-aged man with short, graying hair and a goatee stands in front of a yellow school bus. He is wearing a black t-shirt under a high-visibility safety vest with reflective yellow and silver stripes. The word "GRIEVANCES" is printed in large, bold, white capital letters across his chest. The background shows the side of the school bus with windows and a door.

GRIEVANCES

GRIEVANCES

A big part of the Shop Steward's role is dealing with grievances. A grievance is a violation of a member's rights on the job whether under the collective agreement or under legislation. Not all complaints are grievances. The grievance must clearly violate either the contract / collective agreement, the law, the employee's rights, or a past practice.

The grievance process varies depending on the workplace and the collective agreement language, and it is up to Shop Stewards and NAPE Servicing Representatives to file and resolve these grievances.

Contract Violation

If the grievance is a clear-cut violation of the contract, it will be easy to prove. If it involves an interpretation of the contract it might be harder, so knowing jurisprudence (arbitration decisions) will help.

Violation of Federal or Provincial Law

When federal or provincial legislation has been violated, you will have the option of filing a grievance or going to the appropriate government agency to get redress – or both. Check your collective agreement to see if the relevant law has been incorporated into it. Examples include a worker refusing work they consider unsafe or a worker complaining of racial or sexual harassment by management. In such cases, the Shop Steward should go through internal NAPE channels. NAPE will decide whether or not to lodge a complaint with the appropriate government agency at the same time.

Violation of Workplace Past Practice

This can be the basis for a grievance, particularly in areas where the contract is silent or unclear. Where a past practice has been violated by management, an employee may have a real grievance. The only relevance of past practice is to clarify (but not to alter) the collective agreement where it is ambiguous or unclear.

To be considered a past practice, the practice must be

- Repeated over an extended period of time;
- Accepted explicitly or implicitly by both workers and management, e.g., by verbal agreement or in writing without either side formally objecting; or
- Something that violates the contract but with neither side demanding that this part of the contract be enforced.

A claim of past practice cannot be relied upon unless the collective agreement contains a specific provision to that effect. One example of this is the following clause: “The rights, benefits, privileges, and working conditions which members of the union now enjoy will continue in effect insofar as they are consistent with the terms of this agreement.”

Violation of Employees’ Rights

Like ‘past practice,’ the union must have a clear-cut, well-documented case of a rights violation. These kinds of grievances arise when management treats workers unfairly or unequally. These grievances are hard to fight and win so the local union should try to ensure that any problems concerning employees’ rights are safeguarded in writing – in the collective agreement.

When a Member has a Complaint

The first thing to do is get the facts. Listen to their story. Ask yourself: Does it violate the contract? The law?

A past practice? Their rights? If the answer is yes, chances are the complaint you have is a legitimate grievance.

Whether the complaint is a legitimate grievance or not, the employee is concerned enough to come to you with a problem. This concern demands action on your part to clarify or correct the situation. If you answered 'no' to whether the problem violated the collective agreement, past practice, a law, or the employee's rights, then you have a complaint rather than a grievance.

Complaints must be dealt with. If an employee alleges there has been a violation of the collective agreement, explain why it is not. A worker may think they have a grievance because they don't understand the contract. They may claim that they are entitled to vacation pay, for example, when a careful reading of the contract shows that they don't have enough service to qualify.

A grievance is a complaint against management. So it's not a grievance if two workers have a personal disagreement. If Jane and Bob can't agree whether the window should be open or shut, that's not a grievance. The exception to this rule is harassment (see the chapter on Harassment).

Benefit of the Doubt

If you have a borderline case between complaint and grievance, give the member the benefit of the doubt. Say you are not sure about it, and then ask for help from your NAPE servicing rep. When you have discussed the matter with them, go back to the member and report on your discussion. It is important to keep the member informed at all times. Don't go out on a limb promising action when you are not sure. Rash promises often boomerang resulting in a Shop Steward being labelled as unreliable.

Types of Grievances

A Shop Steward may classify grievances according to where they come from and how they arise. Unions also classify grievances according to who is affected.

Individual

An individual grievance is a complaint that an action by management has violated the rights of an individual as set out in the collective agreement or the law – or committed some kind of unfair practice.

The Shop Steward – not the member – files the grievance. When an individual's rights have been violated and that person refuses to file a grievance, you should file the grievance on behalf of the union – especially if the contract specifically permits it. In this way, you will defend the collective agreement and protect the rights of all employees covered by it. If management claims you cannot file an individual grievance on behalf of the union, they are wrong.

Examples of grievances:

- Discipline
- Demotion
- Harassment
- Classification disputes
- Denial of benefits, etc.

Group

A group grievance is a complaint by a group of individuals such as a department or a shift, who have been affected the same way and at the same time by an action taken by management.

For example, the employer refuses to pay a shift premium to the employees who work an afternoon shift when the

contract entitles them to it. (If the grievance is asking for monetary compensation, make sure that all those involved sign the grievance. Arbitrators have been known to ‘award’ the grievance yet only give compensation to those who have signed.)

Policy

A policy grievance is a complaint by the union that an action of management (or its failure or refusal to act) is a violation of the agreement that could affect all who are covered by the agreement. For example, management assigns a steady day-shift employee to work on an off-shift without regard to seniority. The union might grieve in an effort to establish that seniority must be considered in such an assignment, even though the individual involved might have no complaints against the shift change.

The point is that the outcome or the precedent set by the grievance may have a detrimental effect on your Local at some point in the future, and the union must prevent that from happening. Normally you would not deal directly with this type of grievance other than to provide the necessary investigation.

Union

A union grievance may involve a dispute arising directly between the parties to the collective agreement. For example, the union would grieve on its own behalf if the management failed to deduct union dues as specified by the collective agreement. In these cases, the union grievance is one in which the union considers its rights to have been violated and not just the rights of individual members.



**INVESTIGATING
A GRIEVANCE: PART 1**

INVESTIGATING A GRIEVANCE: PART 1

In dealing with any grievance, it's vital to get the facts. Here's how.

Settling grievances is one of the Shop Steward's most important responsibilities. It might look difficult, but it really isn't that hard.

You just need

- Courage
- Common sense
- Some rules to follow

Get the Facts

When a member comes to you with a complaint, the first thing to do is to get the facts. Only then can you decide whether it's a grievance or not. Listen to their story patiently, then ask them specific questions.

Remember the 6 Ws

WHO:

is involved, their records of employment (absenteeism, discipline, production), name of supervisor, names of witnesses?

WHEN:

did the grievance occur - date and time?

WHERE:

did the grievance occur? Exact location, department, machine, aisle?

WHY:

is this a grievance? What has been violated?

WHAT:

has happened that caused the violation? What is management's contention?

WANT:

Redress - what does the member want? What change is necessary to completely correct the problem? Always ask for full redress in the grievance.

Don't be satisfied with vague statements like 'The supervisor's picking on me' or 'They're giving us too much work.' Ask questions that will give you all the necessary information. Sometimes, members assume you know more about what is going on than they do – including the facts of their complaint.

Get a Statement

Once you have gotten the facts, investigate promptly. Have the grievors write down the full story themselves, giving names, dates, and places. Advise them to use actual quotes in relating things they have heard or were told. The actual words may be important. Have the grievor sign and date the statement. It will be useful for refreshing your memory before any hearing.

Get Permission

Remember, if your contract requires that you ask permission of the supervisor to leave your job in order to investigate a grievance, do so! It is your duty to uphold the agreement, but flouting your supervisor's authority is not going to help you win grievances.

Get Witnesses

Collect statements from all available witnesses, signed and dated. Interview not only those witnesses who support the grievor but also those who don't. This can help you find

out what really happened and to figure out what you are up against.

Write it All Down

Once you have completed your investigation, you should make a written record to ensure that key points are not forgotten or distorted when passed from one person to another.

Be Patient

Months may elapse between the events giving rise to a grievance and the final settlement.

Whodunit? Management, Most Likely!

A grievance is like a detective story – you must sift through all the evidence before you know who did what. It is very important to treat every investigation and every grievance as if it was going to arbitration so that if it does, you'll be prepared.



GRIEVANCE PREPARATION

GRIEVANCE PREPARATION

Who is Involved?

- Name, contact information
- Work location, department, date of appointment, classification
- Name of supervisor, supervisor's position, and witnesses
- The grievor's record (including absentee record, production record, disciplinary record and lateness record, age, family status)

Get the Facts

- When did the grievance occur? Date and time.
- Where did the grievance occur? Exact location, department, machine, aisle, etc.
- Why is this a grievance? What has been violated? The contract? Past practice? A law? Personal rights?
- What happened that caused the violation? What is involved?
- What is management's contention?

Identify the Remedy

- What do you want?
- What needs to happen to correct the injustice?
- Ask for full redress.

Typically, you want the employer to place the aggrieved in the same position they would have been in had the grievance not occurred

Review Your Material

- Do you have all the facts?
- Seek out more experienced Stewards, Local union officers, or your staff rep.

- Check the facts with the contract, supplementary agreements, precedents or past practice, policies or department rules, and arbitration awards.

Writing the Grievance

It's all in the details. Learn how to write your grievance properly.

There is a difference between writing a grievance for presentation to the employer and writing an investigative fact sheet for NAPE's records. The official grievance should contain only facts and a statement of claim – as opposed to your fact sheet, which is for union use only.

Tip:

- Be organized
- Be neat
- Make copies (one for employer, union, employee, and yourself)

NAPE Grievance Forms

NAPE Grievance Forms can be found on the NAPE website here:

<https://www.nape.ca/wp-content/uploads/2021/01/Grievance-Form-New-2021-Fillable.pdf>

You can request a hard-copy version by contacting any NAPE office.

Writing the Formal Grievance

If you specify a clause of the collective agreement in a dispute, always include the phrase 'and / or any other clause in the collective agreement that may be applicable.' This will give you more flexibility later.

What do you want? Full redress. Write ‘full redress’ on the grievance form, which should cover all aspects of the grievor’s claim.

Sample Wording

A grievance might be written like the following:

Statement of Grievance: The union is grieving “violation of the NAPE (INSERT YOUR COLLECTIVE AGREEMENT NAME HERE) collective agreement (INSERT ARTICLE BEING VIOLATED HERE) and all other pertinent articles”

Settlement Required: Full redress.

Time Limits

Time limits for grievances **MUST** be strictly adhered to. Breach of time limits could cause delays or dismissed grievances. Time limits for each step in the grievance process are laid out in your collective agreement under the ‘Grievances’ article.

Time limits can be extended by mutual consent, but **always** in writing.

If no reply is received from the employer within time limits, you should move to the next step.

If the union doesn’t reply in time, the employer will assume their reply is accepted.

Grievance Jitters

Sometimes, members may not want to submit a grievance. That is normal. They might be fearful for their job. They don’t want to upset their supervisor. Maybe they don’t want to be branded as a trouble-maker.

It can be tricky. But it's your responsibility as Shop Steward to safeguard and uphold the contract. If you allow a bad practice to continue, it can eventually be considered a past practice and, therefore, damaging to the contract.

Be Comprehensive, But Keep It Simple

The grievance should state the nature of the complaint, allege that the employer's action is contrary to specific articles of the contract, and demand full redress.

The written grievance should be no more than a clear, short statement of the main facts and the claim.

Keep Working Unless It's Unsafe

Generally speaking, employees should be advised to 'obey orders now and grieve later' unless the order is illegal, unhealthy, or unsafe.



INVESTIGATING A GRIEVANCE: PART 2

OSTH
- BEVERAGES
taste station

INVESTIGATING A GRIEVANCE: PART 2

Get the Grievor's Statement in Full

Have it signed and dated. Get the grievor's full employment history and disciplinary record.

Compile Relevant Documents

Gather all available documents, e.g., letters, doctor's notes, etc.

Check In

Ask the grievor if there are other reasons for management's actions other than what management has stated.

Take Notes

Make notes of meetings with management, and write down their response. Sign and date these notes and pass them to the staff rep who will be at the arbitration hearing.

Act in Good Faith

Remember that unions have a duty to represent employees in good faith. You do not have to carry every grievance to arbitration, but your decision to continue a grievance or drop it must be made in good faith. You cannot ignore the grievance or drop it for discriminatory or arbitrary reasons.

Be Firm But Reasonable

As a Shop Steward, you have the right to do your job properly without fear of retaliation; but there are some limits on your behaviour. A Shop Steward cannot, for example, counsel employees to disobey management orders – unless the request is unsafe or illegal, of course.

Keep Things Confidential

The grievance will be used by NAPE to build a case for the grievor. The confidentiality of this investigation cannot

be stressed enough. In grievance meetings, management will receive a copy of the written grievance form and whatever oral arguments are necessary to prove the union's case. Background information in the grievance report is to be used in preparing the union's oral arguments. In many cases, it could be detrimental to the grievance if all the information contained in the report were to be made known to management.

Be Wise

Grievances are often like court cases. You only admit what you have to admit. If a grievor is being disciplined for having been caught sleeping on the job by a supervisor, it would not be helpful to their case if the union were to inform management that the grievor often sleeps on the job, and this is the first time they were caught.

Learn the Steps. Follow the Steps. Win the Grievance.

Every contract contains a section called the grievance procedure. Study it. Grievances can be lost by not following the correct procedure and by not observing time limits.

A typical grievance procedure might have three or four steps. These steps will tell you which level of management is to be approached at each step as well as the time you have to submit the grievance and appeal to the next stage where necessary. Those closest to the dispute, both on behalf of the union and of management, should first try to reach a settlement. If they are unsuccessful, then representatives with more authority from both sides are brought in as the grievance progresses, with the final step being arbitration.

There are advantages to settling the grievance at the lowest step possible. For the Shop Steward, settling a grievance at the first stage will add to your reputation and authority

with the members and your supervisor. The higher up you go in the grievance procedure, the harder it will be to settle the grievance because each side will have more to lose. Management does not like to have to overrule their personnel and will stand behind them. This could lead to a time-consuming and expensive fight in arbitration.

Try to Settle Quickly

Try to settle the grievance as soon as possible. If there is a time limitation on grievances, don't be afraid to invoke it. If none exist, keep after the supervisor or file a grievance charging the supervisor with stalling. If you ask to have the settlement applied retroactively to the date the grievance was presented, this will reduce any tendency on the part of management to stall.

Each step of the grievance procedure will likely have a time limit. Management has a stated period of time within which it must give a reply to the union. The union has a stated period of time within which it must announce any intention to appeal the grievance. If management fails to comply with the time limits, move the grievance to the next step.

Sometimes, however, you will find that either the union or management may raise a point during a grievance hearing that requires further investigation and may make it difficult to reply or proceed to the next stage within the time limits. In this case, either party may request an extension or waiver of the time limits, subject to the other party's agreement – always in writing.

Even if settlement is reached verbally, it is still important for the Shop Steward to keep a record of the grievance for NAPE's files – it might prove useful should the same or similar situation occur in the future.

This is also handy information to have for future negotiations.

Presenting a Grievance

- Settle the grievance on the spot whenever possible.
- Know the facts, and stick to them.
- Plan carefully, and be decisive.
- Keep within the grievance process time limit.
- Never skip a step – management might seek dismissal from an arbitrator and say the process wasn't followed.
- Anticipate the employer's objections.
- Be confident and positive.
- Be firm – but reasonable.
- Stick to the point.
- Disagree with dignity.
- Have notes / memory aides at hand.
- Throw the burden of proof on management.
- Try to understand the other side's point of view, but never lose sight of your own.
- Avoid threats, insults, and bluffs.
- Control your temper – but feel free to give as good as you get.
- Maintain unity if you bring the grievor to the meeting. Use your discretion if the situation warrants meeting with management alone.
- Don't rush to trade the outcome of one grievance outcome for another. Consult your staff rep first.
- Don't reveal facts prematurely – wait until the right moment. That moment might be at Step 2 of the process, or even Step 3.
- Remember, Shop Stewards are equal in status to the employer.
- Don't brag about victories over management. Give the other person a chance to save face – you may want to save yours someday.

Remember, workers don't file and process grievances – NAPE does. Members usually don't have the requisite experience. They may not know the process, and they may not know how to handle the supervisor (plus they don't have the protection of being a union representative). They might be 'too close' to the complaint and get locked into a personal conflict. Lastly, management may attempt scare the grievor into dropping it by bringing up some other irrelevant matter.

The Shop Steward - Supervisor Relationship

A good working relationship between Shop Steward and supervisor makes both your jobs easier. In union-management relationships, the supervisor (backed by management) and the Shop Steward (backed by the union) are equals – sharing responsibility for successful labour relations.

The two of you will have to discuss and settle many knotty problems. A friendly but business-like relationship right from the start will help a lot. But of course, your first aim in any grievance session is to win justice for your fellow members whose rights have been violated.

Keep in mind that supervisors are people too! They respond to pressure and to common sense – just like you.

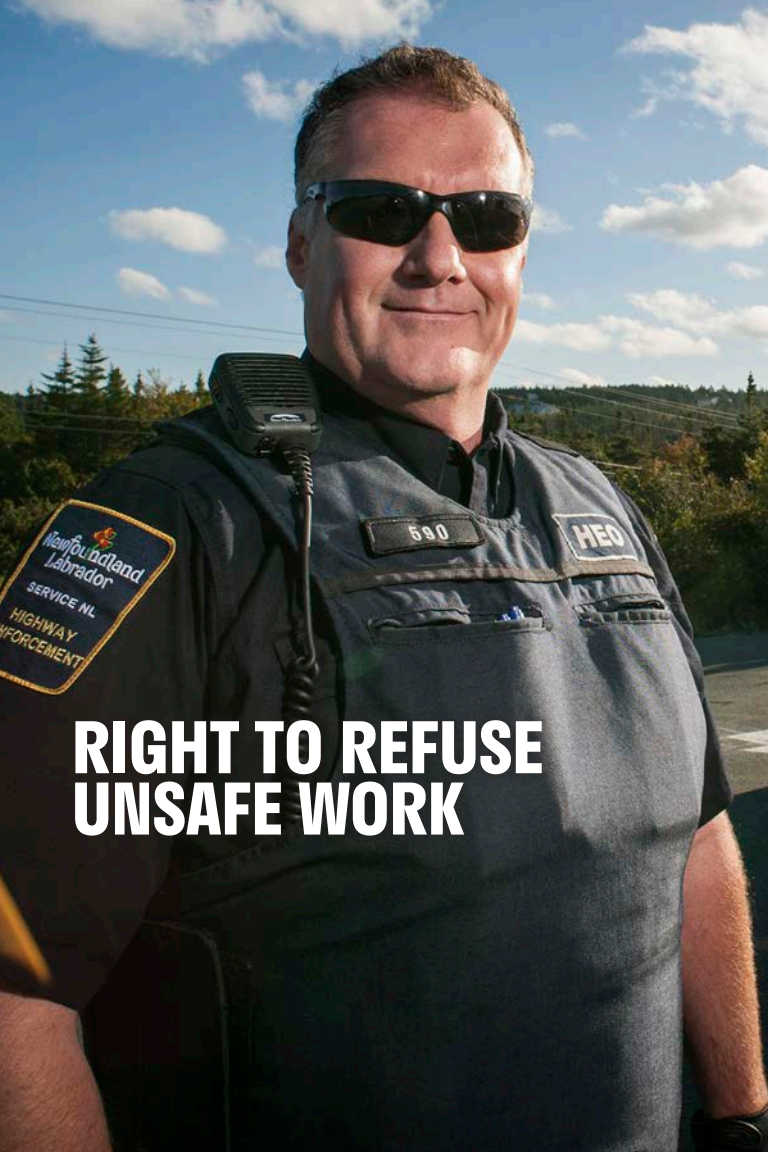
Arbitration

Arbitration is the final appeal in the grievance process. It is a hearing before an impartial third party chosen by mutual consent of union and management. If the union and management cannot agree, there is a provision in the Canadian Labour Code for the provincial, territorial, or federal minister of labour to make the appointment.

Some contracts provide for a single arbitrator, usually named in the collective agreement. The single arbitrator

hears the case and then writes the decision, which is binding on both sides.

The arbitrator only has authority to interpret the agreement as written. They are not allowed to amend, alter, add to, or take away any provisions contained within the agreement. The arbitrator or board is also restricted to dealing with the grievance as presented. For this reason, many unions require the previously mentioned general statement of the grievance on grievance forms so they are not restricted to a single clause or section of the agreement at a later date that would restrict the scope of their case.



**RIGHT TO REFUSE
UNSAFE WORK**

RIGHT TO REFUSE UNSAFE WORK

In Newfoundland and Labrador, the provincial Occupational Health and Safety Act gives workers the right to refuse unsafe work.

Work is unsafe when there are reasonable grounds to believe the work, tool, or equipment is dangerous to you or another worker's health and safety.

If you believe you are being asked to do work that is unsafe, there is a 3-step process to follow.

STEP 1:

Report the situation immediately to the employer outlining the precise conditions for your refusal to work.

If the matter is resolved to your satisfaction by the employer, you must return to work. If the matter is not resolved to your satisfaction, you should proceed to Step 2.

STEP 2:

Report the situation to a member of the Occupational Health and Safety Committee or your Worker Health and Safety Representative for investigation. If you don't know who that is, call NAPE office, 1-800-563-4442, for assistance.

If the matter is not resolved to your satisfaction by the Occupational Health and Safety Committee or the Worker Health and Safety Representative, you should proceed to Step 3.

STEP 3:

Report the situation to the Occupational Health and Safety Division of the Department of Digital Government and Service NL

for information and follow-up. You can do that by calling 1-800- 563-5471. An Occupational Health and Safety Officer will investigate.

Pending the results, they will advise you whether or not to return to work.

While the matter is under investigation, your employer is allowed to assign you other work. That work must be reasonably equivalent to your normal work.

Your employer must pay you the same wages or salary and give you the same benefits you would have received for your normal work.

When a worker exercises their right to refuse unsafe work, the employer can only assign the work to another worker if the substitute worker has been informed of the prior refusal and the reason for that refusal.

Workers must not abuse their right to refuse unsafe work.

In order to refuse to work, a worker must be in the workplace and familiar with the alleged hazard. A worker cannot refuse unsafe work on behalf of someone else.



**INJURY ON THE
JOB / WORKERS'
COMPENSATION**

INJURY ON THE JOB / WORKERS' COMPENSATION

If a member is injured on the job, that's a workplace injury; and it requires medical attention. If a member has a workplace injury, they may or may not need to take time off work. Being injured on the job does not automatically mean you will receive workers' compensation benefits.

Here's what a member should do if they're injured on the job:

1. Remove themselves from danger. If there's any risk of neck or back injury, or of electrical shock, they may need help from first responders to do this safely. So call 911.
2. If the injuries are obviously serious, they should also call 911 and arrange immediate transportation to the nearest medical facility.
3. If the injured member feels they are unable to continue working, they should seek medical assistance immediately. Workers' Compensation recognizes the following 3 health care providers' Report of Injury: the Physician's Report form MD, the Chiropractor's Report Form 8/10c, and / or the Physiotherapy Report Form PR. In order to be entitled to wage loss benefits under Workers' Compensation, a member cannot simply decide to stop working. Only a health care provider can remove someone from work.
4. The member must report their workplace injury to the employer. The employer has 3 days to complete an Employer's Report of Injury (Form 7) and submit it to Workplace NL.

5. Once the member has seen a health care provider and / or if they are going to lose time from work, they must complete and file a Form 6, Injured Workers' Report of Injury, with Workplace NL.

It is important to provide as much information as possible, including the names of any witnesses. Any delay in submitting the Form 6 to Workplace NL may result in a delay in processing of their claim.

If the member is unable to complete the Form 6 themselves, they should ask someone they trust – a family member, a friend, a co-worker, an Occupational Health and Safety representative, or a NAPE representative like their Shop Steward – for help. As well, the Newfoundland and Labrador Federation of Labour has Workers' Advisors available to provide assistance on anything relating to Workers' Compensation. They can be contacted at 709-754-1660.

If the member's Form 6 isn't received within three months of their injury, Workplace NL may reject their claim.

6. Their health care provider's Report of Injury must be forwarded to Workplace NL before any decision is made on their claim. The doctor will give them two copies of their MD form – one for the employer and one for their own records. The two copies are different – the employer's copy does not have as much medical information as their own copy. The employer must receive their copy by the next working day.

Missing Work Because of Work-Related Injury

If a member misses work because of a work-related injury other than on the day the injury happened, they are required to file a claim with Workplace NL to access workers'

compensation benefits. The employer won't pay their salary. They also won't be able to access their sick leave to cover time off work due to a work-related injury.

To decide if the injured worker qualifies for compensation, Workplace NL reviews their Form 6, their employer's Form 7, and their health care provider's report of injury.

Workplace NL will notify the injured worker in writing whether their claim has been accepted or rejected. If their claim is rejected, the letter will also tell them how to appeal the decision.

If their claim is accepted, the member must work with their employer and health care provider on their early-and-safe return-to-work plan. Workplace NL may assign a case manager to help direct their medical treatment and assist in their safe return to work.

An injured worker may bring a family member, friend, or a workers' advisor to meetings at Workplace NL. They are also entitled to consult a NAPE representative.

Recurrence of Work-Related Injury

If they recover and / or return to work and their injury flares up, that's called a recurrence. They should report a recurrence to their employer immediately, including as much detail as possible.

To apply for a recurrence review, they must send a new Form 6 to Workplace NL. The employer must send a new Form 7, and their health care provider must submit a new report of injury.

Claims for recurrences are often rejected. Injured workers have 30 days to appeal. NAPE has a lot of success with such appeals, and we encourage members who have had claims for a recurrence rejected to contact NAPE's St. John's office at 754-0700 or 1-800-563-4442 as soon as possible.

NAPE has a Workers' Compensation, Benefits & Accommodations Officer on staff who can help with questions about the workers' compensation process.

Nobody wants to be injured on the job. But if a member has an accident at work, they have rights. It's important for members to know their rights and to put them to work.

A woman with light brown hair, wearing glasses and a brown sweater, is looking directly at the camera. She is in an office environment with a window and a desk in the background. The text "EQUITY AND INCLUSION" is overlaid on the bottom left of the image.

**EQUITY AND
INCLUSION**

EQUITY AND INCLUSION

Systemic barriers can prevent members from fully participating in the workplace and in our union.

Shop Stewards have a duty to represent all members fairly. This means a crucial part of the Shop Steward's role is to be aware if members feel excluded, hurt, or even oppressed at the workplace or within NAPE.

Your members can experience these things in ways that are obvious and ways that are subtle. This is why Shop Stewards need to really know their members, and it's why as a Shop Steward you should use an "equity lens" to view the workplace and our union.

An equity and inclusion approach is based on solidarity, respect, and recognition of every person's inherent worth. Adopting equity means addressing power imbalances, embracing our differences, and developing ways to create powerful bonds in the face of inequity and systemic barriers.

This can be complex, but NAPE is here to help.

What is an equity lens?

An equity and inclusion lens is a tool unions can use to look for, see, and support diversity as well as look for, see, and remove human rights barriers from their activities, practices, structure, committees, and leadership. Equity and inclusion lenses offer unions a way to become inclusive of the full diversity of their members.

An equity approach aims to ensure that everyone has access to equal rights and benefits. It treats everyone fairly

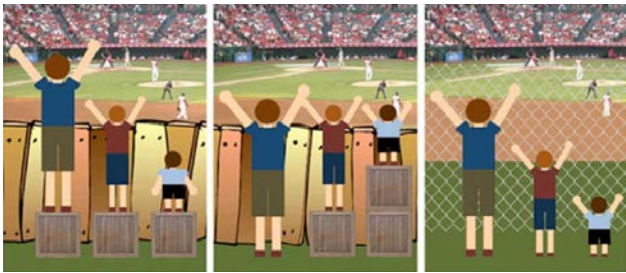
by acknowledging their unique situation and addressing systemic barriers that people may face.

Promoting equity helps Shop Stewards create more respectful and positive unions, and it helps unions address issues that affect all workers.

The Difference Between Equality and Equity

Sometimes we think we are treating people equally – but we don't notice that the end result isn't actually fairness or justice. But when we consider equity as the outcome rather than equality as the treatment, we might make different decisions.

The famous picture below demonstrates the difference when we apply an equity lens. The difference is the outcome.



In the picture on the left, everyone is treated the same way, or equally – each child gets their own box to stand on to see over the wall. But the result isn't fair. So while there is equality in how they are treated, there is no justice in the outcome.

The picture in the middle points to a better solution. See how the boxes are distributed differently depending

on need? This changes things and produces an outcome that is equitable, even if the children are being treated differently. Now, all of them can see over the wall.

But here's the kicker. There's a third aspect to consider. Check out the picture on the right where the systemic barrier – the wall – is removed. This makes it possible for everyone to watch the game unhindered. When the systemic barrier is removed, it's a lot easier to create equity without the need for special supports.

Unions advocate an equity approach because of the persistent presence of systemic discrimination in our society.

Understanding Systemic Discrimination

Shop Stewards can make a real difference in the lives of their members once they realize that different types of discrimination exist and know how discrimination is maintained.

Discrimination might be obvious or subtle, and it might stem from an individual's behaviour or from a more complex cause. A member might feel excluded because of something somebody did – or didn't do – to them personally. But a member can also experience discrimination caused by a more systemic reason.

Systemic means the problematic behaviour exists at a broader level – for example, as part of an organization's culture or a wider social oppression – and not just because of a few individuals.

Obviously, Shop Stewards can't do the employer's job and manage the workplace. Shop Stewards can, however, create an inclusive and positive union experience for all members. This is good trade union practice. But more than that, it's a

core union responsibility to represent all members fairly, and you can't do this without being inclusive.

Personal, Organizational, and Systemic Discrimination

An equity and inclusion approach asks Shop Stewards to remember that barriers can take place at various levels at the same time: at a personal level, at an organizational or institutional level, and at the level of social and economic systems.

Personal. An individual's day-to-day experience of inclusion or exclusion, power or powerlessness, visibility or invisibility, privilege or abuse. Your members can face daily oppression as they go about their daily lives.

Organizational. Oppression can manifest in a more organized way in a workplace, whether it's a company, institution, or organization.

Systemic. Inequality, power imbalances, and privilege are maintained at the social level across political and economic systems. For individuals, this might play out in unequal access to education, social services, political influence, and economic power and position.

Together, the three forms of discrimination combine to maintain exclusion and divide us as workers and members of the community. Depending on your own experiences with discrimination, you might think of equity and inclusion as a way to understand someone's differences or their experience. As a Shop Steward, this can help you do a better job of advocating for your member or addressing their concerns.

Examples of Systemic Discrimination

Understanding how inequities occur can be complicated, so we've provided some examples. Can you see how these issues are systemic – and broader – than problems at the individual level?

- Indigenous workers often face racism and exclusion in the job market and have to resist anti-indigenous sentiment across Canada.
- Lesbian, gay, bisexual, two-spirited, trans, and queer (LGBTQ2SIA+) workers often experience discrimination in the workplace. This can surface through hostility, unequal treatment, social isolation, homophobia, transphobia, and even violence.
- Women often face additional barriers because of race, disability, Indigenous status, age, sexuality, and gender identity and expression. They are often paid less than men.
- Workers of colour often face discrimination, prejudice, and overt racism in the labour market.
- Young workers make up nearly a third of the population of Canada – yet their interests are underrepresented in government and public policy decisions, even though they're twice as likely to be unemployed.
- Workers with disabilities often face multiple struggles just living with their disability – and being properly accommodated in the job market.

This might seem like a lot to keep in mind, but it's really just about understanding where your members might be coming from or what they might have experienced. A central question is: “Does your member feel discriminated against in the workplace or in this particular situation because of a systemic barrier, organizational practice, or individual experience?”

Workers from marginalized (less powerful) groups tend to experience these barriers far more than workers who aren't part of a marginalized group. This experience will inform what your members' concerns are and what the remedies might be.

Engaging Members and Building Equity

Unions make our workplaces fairer and more just when they apply this kind of equity lens. Remember, your main responsibility as a Shop Steward is to represent all your members fairly. You can only really do that when you know who your members are, and when you know their challenges, struggles, and triumphs.

Using an equity lens helps us identify the barriers that are keeping our members from achieving justice. The best way Shop Stewards can discover what those barriers might be is to talk to – and listen to – their members. For more on listening to our members, see the chapter on Member Engagement.

The Difference Between Harassment and Discrimination

Sometimes discrimination takes the form of harassment. Harassment means using real or perceived power to abuse, devalue, or humiliate someone else through communication that is verbal, written, or online. While someone might hold thoughts that are discriminatory, harassment is acting on those thoughts at someone else's expense. See the chapter Dealing with Harassment for more information.

Oppression

Oppressions are social forces that rank people above or below one another. These divisions serve to exclude and marginalize individuals and groups. When groups are marginalized, inequality grows. Systemic barriers like

racism, sexism, heterosexism, and classism are examples of forms of oppression that prevent people from coming together in solidarity. As a Shop Steward, your role is to build solidarity. This makes combating oppression part of your role within NAPE.

What an Anti-Oppression Framework Looks Like

Oppression is about power. Anti-oppression is about balancing power. An anti-oppression approach helps Shop Stewards recognize that power imbalances exist in all relationships. We can all relate to that to one degree or another in the workplace. But workers from marginalized groups tend to experience these imbalances disproportionately, and this reality affects your members' different concerns and what the remedies might be. Thinking in terms of anti-oppression helps you address any power imbalances that might exist.

Ask Yourself, “What’s Below the Surface?”

What happens on the surface of any given situation may not be the entire story. This is why our equity lens helps us see all the possible levels of a situation: the personal level, institutional level, and systemic level. Your equity lens will help you see these levels.

A man wearing a black flight suit, a black cap, and sunglasses stands in a hangar. He is positioned in front of a propeller airplane. The flight suit has "DAVIS" on the left chest and a logo on the right chest. The background shows the interior of a hangar with a white and orange airplane.

DEALING WITH HARASSMENT

DEALING WITH HARASSMENT

Shop Stewards must learn how to deal with harassment with skill and clarity.

Understanding Harassment

Discrimination can take the form of harassment, which is the use of real or perceived power to abuse, devalue, or humiliate.

Harassing behaviour is unwelcome, unwanted, and uninvited. It can be expressed verbally or physically. It is usually intended to intimidate or bully, and it can occur as a single incident or on a repeated basis. It consists of actions, attitudes, language, or gestures that the harasser knows, or ought reasonably to know, are abusive, unwelcome, and wrong.

Workplace harassment can come from management or from co-workers. However it presents itself, its purpose is the same: the expression of the perceived power of one person over another.

As trade unionists, we would like to believe that harassment mostly comes from management toward an employee. In fact, studies have shown that significant harassment exists between co-workers. This 'horizontal hostility' creates a demoralizing, intimidating, and poisoned work environment.

Harassment damages the solidarity of the union membership. This makes it vital for the union Shop Steward to lead by example and be able to communicate to the membership that harassment will not be tolerated.

A close-up portrait of a woman with blonde hair tied back, wearing a grey hard hat and a dark work jacket with yellow reflective stripes. She is smiling warmly at the camera. The background is a soft, out-of-focus orange and yellow light.

**WHAT TO DO IF A
MEMBER COMPLAINS
OF HARASSMENT**

WHAT TO DO IF A MEMBER COMPLAINS OF HARASSMENT

Take the Complaint Seriously

It takes a lot of courage to come forward with a complaint against either management or a co-worker.

Speak Calmly

Try to alleviate some of the tension the member is feeling. You may point out that you know discussing the incident(s) is uncomfortable for them. Assure them that harassment is not a personal matter but rather a widespread work problem and that NAPE takes it very seriously.

Validate the Member's Concern

If members feel they aren't believed, they won't come forward, thus allowing harassment to continue.

Advise Them to Write It All Down

Encourage the member to keep careful notes and to be as specific as possible. Tell them to record 'who, what, when, where, and how.'

Stand in Solidarity

Assure the person who is being harassed that NAPE is fully behind them and that we will do everything possible to stop this behaviour.

When Management is Doing the Harassing

This is probably the least complicated scenario for a Shop Steward. After talking with the member who is being harassed, you as the Shop Steward should meet with your Local Officers.

Explain the facts, and ask that they arrange a meeting with the superior of the supervisor who is doing the harassing.

Request that someone (either a NAPE Servicing Rep or another Local Officer) accompany you to the meeting. This will provide you with a reliable witness to your meeting. It also shows management that NAPE takes these allegations very seriously and is solidly behind the person who is being harassed.

Tell management that one of their supervisors is engaging in behaviour that could place the employer in serious trouble. Name the supervisor involved but do not name the member.

Often, a member will suffer further abuse when a supervisor knows that a complaint has been lodged. Inform management that if the supervisor's behaviour doesn't change, NAPE will be forced to file a grievance.

When a NAPE Member is Doing the Harassing

This is always a difficult situation for any Shop Steward to deal with. Here are some guidelines.

Your first obligation is to the one who is being harassed. This cuts across all lines of friendship. As a leader and NAPE representative, all of your members must feel confident that they can come to you with their problems.

If you receive a complaint, or if you see someone exhibiting abusive or harassing behaviour or actions, arrange to speak privately to the harasser. Be firm. Tell them that harassing behaviour will not be tolerated and that hurting someone else is not funny. Also tell them that if they continue harassing other people, they will be in serious trouble and that NAPE may not be able to defend them since harassment is illegal.

If there is no change in behaviour, both you as Shop Steward and NAPE as an organization must take further steps.

Check Your Collective Agreement

Most NAPE collective agreements contain a ‘no discrimination’ clause where management commits that the workplace will be free of all forms of discrimination and harassment. It might read something like, “It is agreed that there shall be no discrimination, interference, restriction, coercion, harassment, intimidation, or stronger disciplinary action exercised or practiced with respect to an employee by reason of age, race, creed, colour, national origin, political or religious affiliation, sex, sexual orientation, or membership or activity in the union.”

If your collective agreement contains a clause like this, then you would grieve management for allowing this situation to occur. If you do not have this clause, then you probably have one where management ensures a ‘healthy and safe environment,’ which can also be used.

If in doubt, consult with your Local leadership and / or your NAPE staff rep for guidance.

How Can We Fight Harassment?

Be an Example

Speak out against oppressive behaviour or so-called ‘jokes’ that undermine solidarity.

Educate Your Members

Work with your membership to explore the issues around oppression and harassment in formal and informal educational environments, from lunchtime discussions to workshops and training sessions.

Get Help

Bring in experts on equity, inclusion, and cross-cultural communications to lead training for your Local.

Communicate Clearly

Tell your members that if anyone feels they have a problem, they can speak to you in complete confidence.

Recognize Diversity as Reality – and Opportunity

Your membership is diverse and includes people from groups that are still fighting to attain equity, including people of colour, indigenous people, people who are gay, lesbian, bisexual, queer, or transgendered, and members who have physical or mental disabilities. For more information, see the chapter on Equity and Inclusion.



VIOLENCE AT WORK

VIOLENCE AT WORK

All workers have the right to a safe workplace, free of violence.

Workplace violence includes homicide, rape, spitting, grabbing, striking, punching, squeezing or pinching, shoving, slapping, hitting, hair pulling, scratching, biting, arm twisting, kicking, and attacking with any type of weapon. It also includes threatening statements or behaviour. Workplace violence includes worker-on-worker violence.

Regulations require employers to inform workers who may be exposed to the risk of violence about the nature of the risk and the precautions that should be taken.

If a person has a history of violent behavior, this must be revealed to workers who are likely to encounter that person on the job.

The following factors are among those often associated with workplace violence – working alone, working in a client’s home, and working with people whose mental health makes their behaviour unpredictable.

What to do during a violent incident

1. Remove yourself from the violent situation.
2. Call the police.
3. Call for medical assistance if you are seriously injured.
4. Tell your employer what happened.

Your employer is responsible for training employees how to protect themselves from violence.

Your employer is responsible for recording details of incidents of workplace violence (date, time, location, victim, perpetrator, witnesses, what happened, and follow up).

Your employer should investigate the incident to determine what caused it. They should also come up with a plan to prevent it from happening again. This process should involve your Occupational Health & Safety (OH&S) representative.

Your employer should tell you how they intend to prevent similar incidents from happening again. If they don't, contact your Local Officers or staff rep.



ABOUT NAPE

ABOUT NAPE

With some 30,000 members, NAPE is the largest union in Newfoundland and Labrador. Its members work in both the public and private sectors, and you can find them in just about every community. NAPE members are covered by close to 100 contracts. NAPE has offices in St. John's, Grand Falls-Windsor, and Corner Brook.

A Democratic Organization

NAPE is governed by its Biennial Convention – a meeting held every two years in which representatives of every NAPE Local come together to review the way in which NAPE conducts its business. Between Biennial Conventions, NAPE is governed by its elected provincial Board of Directors.

Provincial Board of Directors

The provincial Board of Directors represents the union's components and its geographic regions. The 32 members of the Board are elected at either its Biennial Convention or, in the case of those who represent bargaining units, at meetings of those bargaining units. The exceptions are NAPE's President and Secretary-Treasurer – the two full-time, paid leaders of the union – who are elected by a membership-wide vote. Six of the positions are affirmative action positions intended to increase the participation of women at the provincial Board level.

NAPE Components

NAPE has 12 components. Some are made up of 1 large bargaining unit, while others represent multiple smaller bargaining units.

0. Private Sector
1. General Service (GS)

2. Hospital Support Staff (HS) / Home Care
3. Maintenance and Operational Services (MOS)
4. Faculty
5. NLC
6. Lab & X-Ray / Health Professionals (LX / HP)
7. Correctional Officers
8. Education Support / Local Government
9. Waterford Hospital

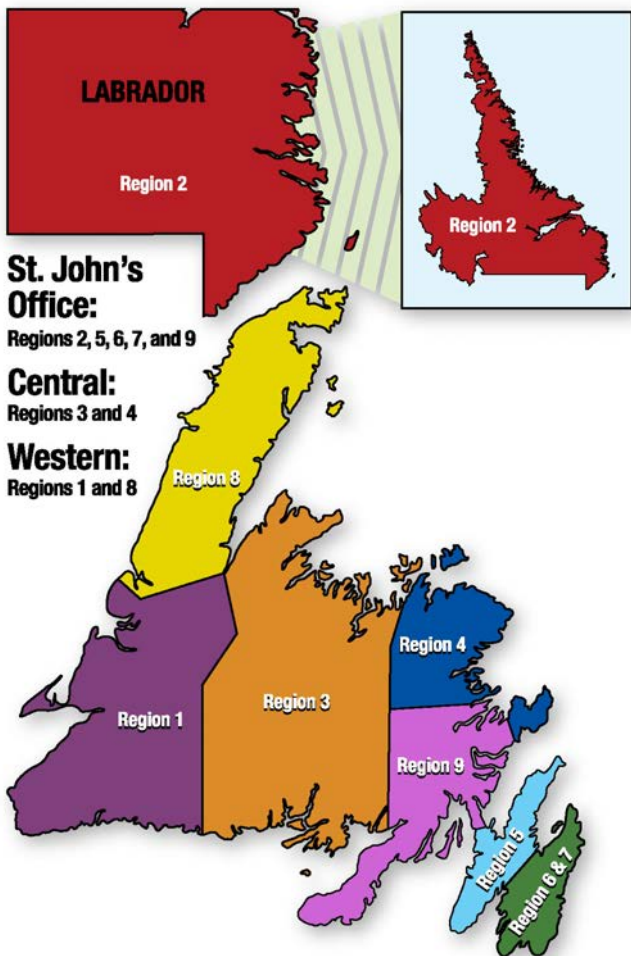
NAPE Regions (see map on next page)

NAPE is also divided into 9 regions. Members in regions 1, 5, 6, and 7 are generally serviced by NAPE's St. John's office while 3, 4, and 9 are serviced by Grand Falls-Windsor, and 2 and 8 are serviced out of the Corner Brook office.

NAPE Locals

Locals are NAPE's front-line – the building blocks of our union. A Local is typically made up of members in the same NAPE bargaining unit who work in the same workplace. But it can be made up of members in the same NAPE bargaining unit who work in multiple workplaces. In geographic areas where there are a relatively small number of NAPE members, all the NAPE members in that area may belong to the same Local – even if they belong to different bargaining units. These are referred to as Composite Locals.

Locals are democratic organizations. They elect their Local Executive – typically a President, Secretary, and Treasurer – at a meeting of all Local members. They also elect their own Shop Steward(s). Locals receive funding from NAPE to carry out their business and to hold social event. Every NAPE Local has the right to be represented at NAPE's Biennial Convention and to be represented at the meeting where the members of the negotiating team are elected.



Every NAPE Local has a unique Local number. The first number is the Local's region. The second number is the Local's Component. The third number identifies the order in which the Local was formed – so 7104 would be the fourth Local established in the General Service Component in Region 7.

Affiliations

Unions are stronger when they work together. This is why union activists from multiple unions gather together to form District Labour Councils. Our province has Councils in St. John's, Central, Corner Brook, and Lab West. All the Councils are affiliated with the Newfoundland and Labrador Federation of Labour or NLFL. The NLFL is affiliated with the Canadian Labour Congress or CLC – which brings together some 3 million union members.

NAPE is affiliated with the CLC through the provincial Federation of Labour. NAPE is also affiliated with NUPGE, the National Union of Public and General Employees. NUPGE represents 14 provincial unions with 390,000 members. Many of these unions represent provincial public sector workers.

Member Services

NAPE's staff deliver the following services to its members:

- Member Servicing Reps to help members deal with problems in the workplace. Your Local will have a Rep assigned to it. Your Rep is there to help Shop Stewards with grievances, arbitrations, and other workplace problems.
- Skilled negotiators to bargain your contract. Each NAPE negotiating team is assigned an experienced staff negotiator to help with the negotiation process.
- Two lawyers to protect members' rights in the workplace.
- Workers' Compensation, Benefits & Accommodations

Officer to help members who are injured on the job.

- Communications Staff who handle member communications and public campaigns – to make sure members know what’s going on within their union and to win public support for your issues.
- Organizer who is responsible for unionizing new workplaces.
- Administrative Staff who keep the whole union running.

Other Benefits of Membership

- Comprehensive education program to help members know their rights, defend themselves and each other, and develop skills to be leaders within our union. This includes Shop Steward training, Local Officer Training, and an annual Labour School.
- Annual Women’s Conference.
- Bursaries to help NAPE members to upgrade while on the job, to upgrade to retain a job, or to train to move from one position to another within NAPE Bargaining Units.
- Scholarships for members’ dependent children.
- Discount program called the Advantage Program, which provides NAPE members with discounts on goods and services.
- Volunteer recognition through the Step-Up Awards, which recognize NAPE members who volunteer either as union activists or in the community.
- Healthy defense fund to be used in case of a strike.

Almost every collective agreement within NAPE is negotiated – strikes are rare.

Member Communications

NAPE’s communication staff provide members with information through email, the NAPE website, the NAPE app, NAPE’s Facebook pages and Instagram account, and through

a publication called the *NAPE Communicator*. Please make sure your members are aware of all union communications. Encourage your members to apply for a NAPE membership card so that we have their contact information. And make sure NAPE has your up-to-date information at all times.

Welcoming New Members

You should always have copies of NAPE's *New Member Handbook* and your collective agreement on hand as well as applications for a NAPE membership card. Both are easy to obtain by contacting the NAPE office in St. John's. Digital versions are available on NAPE's website (nape.ca). Take a few minutes to introduce yourself and NAPE to new members – that includes telling them how to contact you. Some NAPE contracts actually provide a half-hour for Shop Stewards to introduce new members to their union.

Membership Card

It is very important for both new and existing members to complete an application for a NAPE membership card – either on NAPE's website (nape.ca) or using the paper application form. Most employers do not give NAPE contact information for their employees. Plus until a member signs an application for a membership card, they cannot vote in NAPE elections, take part in contract ratification votes, or participate in strike votes. Members also need to show their membership card or give their membership number to take advantage of the discount program NAPE offers its members.

Dues

NAPE dues are 1.5% of wages, with a minimum of \$4 and a maximum of \$24 bi-weekly. These are among the lowest union dues in Canada. Think of it as job insurance. Your employer is legally required to deduct union dues and submit them to the union. Union dues are tax deductible.



WHY UNIONS ARE INVOLVED IN POLITICAL ACTION

WHY UNIONS ARE INVOLVED IN POLITICAL ACTION

It's a political world, and political action is a big part of what unions do to make the world a better place. NAPE policy dictates that NAPE must be politically neutral. Since the provincial government and its agencies employ member of NAPE's members, that does not stop your union from speaking out in defence of public services and the people who deliver them. It also doesn't stop NAPE from advocating provincially and federally for improved labour standards, higher standards of occupational health and safety, social justice, and the like.

There are two reasons why unions get involved in political action. The first part is tradition, and the second part is out of necessity!

Traditionally, unions have been involved in politics to accomplish the following objectives:

- To gain recognition of workers' right to form unions and bargain collectively;
- To protect the gains they have won through collective bargaining;
- To promote social justice and equal economic opportunity for all.

Workers have achieved much by acting collectively to set our own agenda and then elect politicians who either believed in the same things we do or who 'saw the light' because of the number of votes union members represent.

We saw this way back in 1872 when the Toronto Printers' Strike for a 9-hour workday 'persuaded' then-Prime Minister John A. MacDonald to introduce legislation legalizing unions. And we see it today as politicians in municipal, provincial, territorial, and federal governments recognize the strength of workers' collective political power.

This is why governments and business go to such great lengths to convince the public that unions and social organizations are just special interest groups that don't work for the greater good.

Necessity

Our experience in the last several decades has shown us that legislation can be used to eliminate hard-won contractual and social gains. Big business, probably the biggest special interest group in our society, has no problem lobbying the courts and politicians to further their goals.

Just think about:

- Legislation ending strikes or even the right to strike in both the public and private sectors;
- Court injunctions against the right to picket;
- Legislated wage and benefit cuts, layoffs, and other austerity measures that affect us all.

All of society is being affected by government's current push for austerity. What austerity really means is less protection of workers' rights on the job, less health care, less unemployment insurance, less social assistance, less retirement income, fewer child care options but, amazingly, more profits for business.

Business groups actively set their agendas and use their wealth and organizations such as the Newfoundland and

Labrador Employers' Council and the St. John's Board of Trade to lobby politicians to achieve their goals.

And while unions don't have their financial power, we have our people power – and tons of it. Our wealth is our collectivity as workers and as a society. Our organizations are our unions, social movements, and labour-friendly political parties.

Acting Politically is the Logical and Enlightened Thing to Do

You wouldn't elect your bosses as union Shop Stewards. You know they wouldn't represent your best interests on the job. It doesn't make any more sense to elect management people to represent our interests in politics.

Union members know in their gut how to best change a situation they aren't pleased with – they use their collective strength. If they aren't happy with how the workplace runs, they can collectively go on strike. If workers feel that NAPE's leadership isn't responding to their needs, they can vote them out.

It is our collective strength and our commitment to political action that will convince governments and business to do the right thing. To achieve this, we must educate and organize our membership around our issues, strengthen our coalitions with like-minded social groups, and elect politicians who represent us – and then hold them to our agenda.

It's a fine tradition – and a current necessity.



**SIX ANTI-UNION
MYTHS – AND HOW
TO BUST THEM**

SIX ANTI-UNION MYTHS - AND HOW TO BUST THEM

Ever wanted the perfect response to counter anti-union myths? This is for you. Being a good Shop Steward means being a good listener. But it doesn't mean you can't be a good talker, too – especially when it comes to defending your members and countering myths about unions.

Union members hear trash-talk about unions all the time. It's okay to talk back. Read our myth-busters below. And bust away!

MYTH #1 – Unions are Strike Happy

Unions negotiate for collective agreements – not strikes. No union wants a strike, but they are sometimes necessary when there is no other way to reach an agreement. To union members a strike means sacrifice – for themselves and their families. Workers won't go on strike unless the issues involved are so important they are worth the sacrifice. Unions always conduct membership votes before taking strike action, and a strike occurs only when it has been approved by a clear majority of the members affected.

In collective bargaining, strikes are the exception rather than the rule. We repeat: the exception. About 97% of all union contracts are settled without a strike, but this fact never seems to make the headlines. Within NAPE, our track record is closer to 99%.

But now that you mention it, unions also absolutely defend the right to strike. The right to withhold one's labour in unison with fellow workers is crucial to maintaining a democratic society. As workers, we trade our labour in order to provide

for ourselves and our families. If we do not have the right to withdraw those services, we no longer have anything with which to negotiate – and not much of a democracy, either.

MYTH #2 – Unions were Good at One Time but Have Outlived Their Usefulness

The Globe and Mail made this argument on May 6, 1886! Now, over 125 years later, it is still one of the most common arguments against unions.

Without unions, how many Canadian workers would have been granted a decent wage or have leisure to enjoy it? You can't have prosperity or social justice when two-thirds of the people are broke. Thanks to the wage levels established by the labour movement, even unorganized and anti-union workers have benefits today.

Globalization and the growing power of big business make unions more important than ever. Unions negotiate collective agreements and improve working conditions, wages, and benefits – without unions, employers would treat workers however they want.

MYTH #3 – Unions Protect People Who Should be Fired

No union contract requires an employer to keep a worker who is lazy, incompetent, or constantly absent or tardy. What the union does is make sure dismissals are for just cause – that is to say for legitimate reasons – and not because of personality clashes between supervisors and employees.

Yes, employees can't be fired as they once were when they were considered not to be as useful or productive to their employer.

Women who have a union can't suffer discrimination from their boss because the boss fears they may get pregnant, for example. In that way, unions do protect people's jobs. That's the purpose of a union.

MYTH #4 – Unions are Too Big and Powerful

Hah! Comparing Big Unions to Big Corporations and Big Government is a favourite trick of the media and other groups like the Newfoundland and Labrador Employers' Council, the St. John's Board of Trade, and the Canadian Federation of Independent Business.

'Big' and 'powerful' are relative terms. In fact, most Canadian unions are quite small, and together they represent less than 31% of the country's workforce. Even the largest union pales by comparison with transnational corporations such as General Motors, McDonald's, and Amazon in terms of size and resources.

In Canada, few politicians ever dare interfere with free enterprise. Businesses can set their prices, sell their products, and throw their money into anything, from advertising to a new executive washroom, without supervision or restraint. Governments will usually give them money or tax breaks to do this.

But go figure: politicians feel differently about unions. Unions require legal certification, formal backing from a majority of the workers they represent, and a long, complicated legal process before they can call a strike. Governments intervene in strikes, force workers back to work, freeze salaries, reopen collective agreements, and jail union leaders. Do you ever see governments try those tactics on companies?

Unions are made up of all kinds of people. They're human.

They negotiate for what they can in a world dominated by business in which we all have ringside seats to the profiteering by oil companies, supermarket chains, and banks.

If unions were half as powerful as they are said to be, they would be able to organize millions more Canadian workers. They would be winning more of their strikes and increasing their members' wages and benefits a lot more than they actually are.

MYTH #5 – Unions are Always Making Unreasonable Demands

What is a reasonable wage demand? One that meets the workers' needs? One based on the employer's ability to pay? One that's tied to productivity? Or one that the business media thinks is responsible?

The fact is that nobody has yet devised a workable formula for determining wage increases that would be considered reasonable by the workers, by their employers, by the public, by the media, and by the government. One group or another will always be unhappy. Besides, most employers – except occasionally when in genuine financial stress – still refuse to open their books to union negotiators. Unions are thus denied access to the data on profits, productivity, and labour costs they must have in order to formulate reasonable demands. The only alternative in our private enterprise society is for unions to go for what they think their members are entitled to. To some segments of our society, anything unions try to negotiate is too much.

MYTH #6 – The Public is Not Represented in Strikes by Public Sector Workers

People who may be hurt or even just inconvenienced by public sector strikes should make an effort to look at other

sides of the dispute to determine if workers' demands are justified. If they are justified, then public pressure should be directed at governments to offer fair settlements.

If government refuses to do that and public sector workers are forced to strike, public pressure should be directed on having governments settle rather than imposing back-to-work legislation or other strike-breaking laws.



**WHAT TO SAY
WHEN PEOPLE
ASK WHAT UNIONS
ARE GOOD FOR**

WHAT TO SAY WHEN PEOPLE ASK WHAT UNIONS ARE GOOD FOR

Higher wages. On average, unionized workers in Newfoundland and Labrador earn \$8.16 an hour more than non-union workers. Women in unions earn more too (\$10.01 an hour) and get paid more fairly. Workers under the age of 25 earn an extra \$8.44 per hour from jobs covered by a union contract.

Job security. Union membership provides protection in the form of seniority. It means employers can't play favorites when it comes to giving hours, awarding promotions, or laying people off.

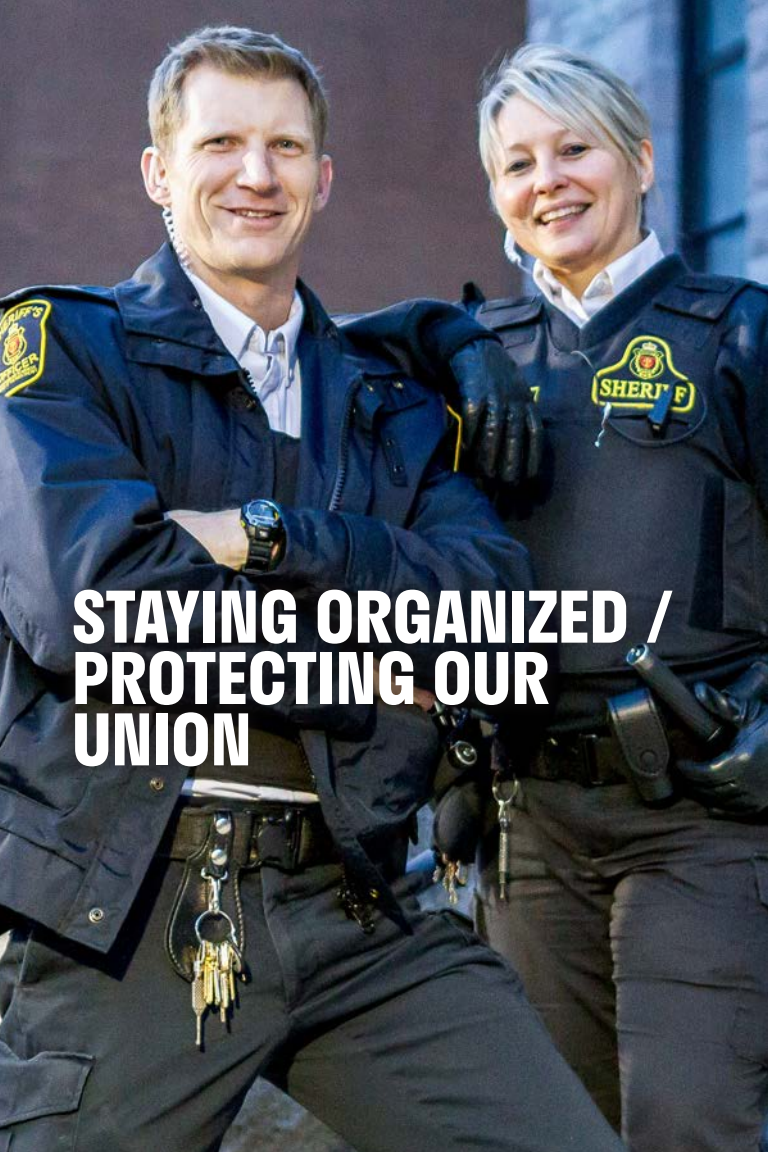
Protection. Unions defend their contracts and protect their members if they are disciplined or fired. Union members have experienced professional staff and trained volunteers to protect their rights.

Health and safety. Unions fight for things like personal protective equipment. Union members are more likely to report unsafe working conditions and injuries on the job because of union education. Unionized workplaces are safer workplaces.

Training and education. Training and education is a major priority for unions. It is included as a requirement in union contracts and also extensively provided by unions themselves.

Advocacy. Unions have paved the way in improving working conditions for all workers, levelling the playing field so that non-union employers have to compete with unionized employers to attract workers.

Democracy. Union members democratically elect their leaders, who are then responsible for advocating for the good of the members. In unions, elected leaders serve for a set term and are always accountable to the membership they represent. Unions are governed by clear constitutions, bylaws, and other rules. These documents are accessible to members and can be changed by the membership at regularly held conventions or meetings. Contracts are always voted on by the members – and every vote is equal.



**STAYING ORGANIZED /
PROTECTING OUR
UNION**

STAYING ORGANIZED / PROTECTING OUR UNION

Staying organized in the 21st century is going to prove as big a struggle as getting organized was in the 19th century. The tactics of government and corporate owners are now much more sophisticated and insidious than ever before.

The Shop Steward's Role: Educate, Organize, Connect

The task now is to unite and mobilize NAPE's members in order not just to protect workers' rights and benefits, but to prevent a tearing apart of our society's social fabric and a further widening of economic disparities. We do this through internal organization and education within our union. It's all about member engagement.

Rank-and-file activism and member engagement have always been the foundation of the labour movement. Shop Stewards can't do it by themselves. It takes all of each Local's leadership working together to maintain member engagement and make ongoing listening, connecting, and building a priority.

NAPE offers Shop Stewards and other Local leaders the time and training needed to do these things. See the chapter on Member Engagement for more information and tips on how to connect with your members.

Union Education

Today, NAPE Shop Stewards and other activists can access a range of educational programs and activities, including:

Courses and Workshops

Whenever it is safe to do so, NAPE offers face-to-face educational opportunities on an ongoing basis.

Conferences

NAPE holds an annual Labour School and Women's Conference that help activists learn about union issues and build skills.

Educational Leave

Many NAPE contracts include a clause where, with reasonable notice, the employer is required to give activists leave to attend union education programs. In many cases, NAPE will reimburse the employer for wages paid during the leave from work – a concept known as wage loss.

Online and Digital Learning

NAPE is developing online and digital learning capabilities to make labour education even more accessible and relevant. Social networking and digital communications tools make connecting with members and building community and connection easier than before.

Union Meetings

Regular meetings give Shop Stewards a chance to discuss grievances and problems, evaluate performance, understand labour legislation, plan and coordinate strategies, and learn more about NAPE.

Stewards as Member-Engagers

The act of listening to the membership is a great way to show that you are ready to engage and build with members.

7 Tips to Stay Connected

- Remember to Go, Listen, and Build.
- Make it easy for members to provide feedback, for example through surveys and at meetings.
- Attend face-to-face training for Shop Stewards and other NAPE activists.
- Measure your progress, and modify the way you do things accordingly.
- Use social media to connect, educate, and mobilize your members.
- Communicate with members through things like print and electronic newsletters – but also listen to what members are saying.
- Want membership participation? Develop educational programs and workplace campaigns that are based on your members' needs and priorities.

Staying organized helps members know that NAPE is doing its job. This is an era of austerity and precarious employment, but every workplace has issues that NAPE can use as a vehicle to demonstrate its effectiveness. Building union culture leads to union power.

A man with glasses and a mustache, wearing a white chef's hat and a white short-sleeved zip-up shirt, stands in a kitchen. He has a slight smile and is looking directly at the camera. The background is a dark red wall with some posters or notices. The text 'PROVINCIAL LEGISLATION' is overlaid in large, bold, white capital letters on the left side of his chest.

**PROVINCIAL
LEGISLATION**

PROVINCIAL LEGISLATION

Labour Standards Act

In almost every instance, the provincial Labour Standards Act and Regulations set out the minimum employment standards in our province.

The Act sets out minimum wage, minimum overtime rate, standards for employing children, minimum rest periods, day of rest requirements, paid public holidays and permitted exclusions, vacation entitlement, coverage of travel costs, and how tips are to be treated (they belong to the employees).

It spells out illegal provisions like an employer requiring an employee to purchase its property (e.g., uniforms) and illegal deductions from pay.

It provides details of entitlement pregnancy, maternity, adoption, and parental leave. It spells out entitlement for sick leave / family responsibility leave, bereavement leave, compassionate care leave, critical illness leave, family violence leave, crime-related child death or disappearance leave, and communicable disease emergency leave.

It sets out how much notice of termination the employer and employee are required to give.

It outlines provisions for jury duty and unpaid leave for reservists.

You can find the Act here: <https://assembly.nl.ca/Legislation/sr/statutes/I02.htm>.

If an employer isn't meeting the labour standards required by law, you should contact Labour Standards staff at 1-877-563-1063 or labourstandards@gov.nl.ca.

Labour Relations Act

Consult the province's Labour Relations Act for information about the Labour Relations Board, unlawful strikes and lockouts, unfair labour practices, discrimination, the process for certification of a union, the private sector collective bargaining process (including collective agreements, arbitration, grievance mediation, union dues, and successor rights), conciliation proceedings, and legal strikes and lockouts.

You can find the Act here: <https://www.assembly.nl.ca/legislation/sr/statutes/I01.htm>

Public Service Collective Bargaining Act

The provincial Public Service Collective Bargaining Act governs labour relations between government and many of its agencies and their unionized employees. The following NAPE bargaining units are covered by this Act:

- Air Services
- College of the North Atlantic (faculty and support staff)
- Conseil francophone provincial du Newfoundland and Labrador English School District
- Correctional Officers*
- General Services (GS)
- Health Professionals (HP)
- Hospital Support Staff (HS)
- Lab and X-Ray (LX)
- Maintenance and Operational Services (MOS)
- Marine Services
- Newfoundland Liquor Corporation (NLC)
- Workplace NL

* Correctional Officers do not have the right to strike; however, they do have recourse to binding arbitration.

The Act sets out which positions in the public service are union and which are non-union.

It establishes rules for determining which union members in the public service are deemed essential in the event of a strike.

It regulates the collective bargaining process including conciliation, adjudication, and mediation. It also has provisions for the renewal and revision of existing collective agreements and the negotiation of new collective agreements.

It sets out the role of arbitrators in the grievance process.

It determines when union members, unions, and employers can complain to the Labour Relations Board.

It also establishes successor rights when a public sector operation is sold, lease, transferred, or otherwise disposed of.

You can find a copy of the Act here: <https://www.assembly.nl.ca/legislation/sr/statutes/p42.htm>

Occupational Health and Safety Act

The provincial Occupational Health and Safety Act sets standards to protect and promote the health and safety of workers throughout the province. The Act outlines the rights and responsibilities of employers, workers, and other people (like contractors and suppliers) who are at the workplace.

The following is an overview of the Act's provisions:

Employer's duties require that the employer ensure the health, safety and welfare of his or her workers.

Worker's duties require that the worker take reasonable care to protect his or her own health and that of workers and other persons at or near the workplace.

Contractor's duties require that a principal contractor ensure that employers, workers, and self-employed persons comply with the OHS legislation.

Supplier's duties require that tools, appliances, or equipment supplied comply with OHS legislation.

OHS duties outline the general responsibilities of the Department of Digital Government and Service NL in relation to Occupational Health and Safety.

Stop work orders outline the procedures regarding an order to stop work when conditions at a workplace pose an immediate risk to the health and safety of workers or other persons.

Appeals outlines the procedure regarding an appeal from an order.

Right to refuse provides a worker with the right to refuse to do work which he or she has grounds to believe is dangerous to his or her health, or safety or that of another person. (See also section on the Right to Refuse.)

Discriminatory Action outlines the worker's occupational health and safety areas of involvement, which are to be free from discriminatory action.

Accident Reporting establishes procedures regarding the reporting of a workplace accident.

Occupational Health and Safety Committees outline the requirements for Occupational Health and Safety Committee.

Advisory Council establishes a Council to address the Minister on matters relating to Occupational Health and Safety.

Offences establishes the penalties for non-compliance with Occupational Health and Safety legislation.

You can find a copy of the Act here: <https://www.assembly.nl.ca/legislation/sr/statutes/o03.htm> and a copy of the Regulations here: <https://www.assembly.nl.ca/Legislation/sr/Regulations/rc120005.htm>

For further information or to report a suspected violation of either the Occupational Health and Safety Act or its Regulations, call 1-800-563-5471 or 709-729-2706.

To report a work-related accident, call 1-800-729-4444. This number is answered 24 hours a day.

A portrait of a man with short brown hair and light blue eyes, wearing blue V-neck scrubs. He is looking slightly to the right of the camera with a neutral expression. The background is blurred, showing what appears to be a window or a doorway. The word "GLOSSARY" is overlaid in white, bold, sans-serif capital letters on the left side of his chest.

GLOSSARY

Across-the-board adjustment

Change in pay rates made for all employees in a workplace or particular classification.

Adjudication

Adjudication is a method of settling disputes arising out of the terms of any collective agreement.

Affiliated union

A union which is a member of a group of unions. NAPE is affiliated with the Newfoundland and Labrador Federation of Labour (NLFL), the National Union of Provincial and General Employees (NUPGE), and the Canadian Labour Congress (CLC).

Affirmative action

Affirmative action is a strategy that aims to establish the same percentage of minority group members and women at all levels of the workplaces and unions as there is in the general population. NAPE has a number of affirmative action positions on its provincial Board of Directors.

Agency shop

A clause in a collective agreement similar to the Rand Formula.

Arbitration

A method of settling disputes through the intervention of an independent third party whose decision is final and binding. Such a third party can be either a single arbitrator, or a board consisting of a chairperson and one or more representatives. Arbitration is often used to settle major grievances and for settling contract interpretation disputes.

Voluntary arbitration is agreed to by the parties without any legal requirement. Compulsory arbitration is imposed by law. Governments sometimes impose arbitration to avoid a strike or end one.

Assessments

Special charges levied by unions to meet particular financial needs.

Back Pay

Wages due for past services. Often the difference between money already received and a higher amount resulting from a change in wage rates.

Bargaining agent

Union designated by the Newfoundland and Labrador Labour Relations Board as the exclusive representative of all employees in a bargaining unit for the purpose of collective bargaining.

Bargaining unit

Group of workers in a trade, office, department, plant, firm, industry, or occupation that the Labour Relations Board has recognized as appropriate for representation by a union for the purpose of collective bargaining.

Base rate

The lowest rate of pay expressed in hourly terms for the lowest paid job classification in the bargaining unit. Not to be confused with basic rate, which is the straight-time rate of pay per hour, job, or unit exclusive of premiums, shift differentials, etc.

Binding arbitration

Binding arbitration is a hearing before an arbitrator acceptable to both parties in which the employer and the union present

their cases. The process is available to both private and public sectors. In public sector arbitration, the provincial government may have a role – even if it isn't at the table – as it is the source of funding. The arbitration can also be performed by a panel of three arbitrators – one chosen by each of the two parties and a third chosen by the two selected arbitrators.

Binding arbitration can create some uncertainty for both parties since there is no guarantee either party will receive what they're asking for. Typically, employers don't like binding arbitration as their perception is that arbitrators tend to side more with unions.

Arbitrators have determined that ability to pay shouldn't be a factor in decisions where the government is the employer. In fact, generally speaking arbitrators don't take into consideration the financial impact of a decision on the employer. The employer can, however, argue that it doesn't have funds to meet additional costs.

Arbitrators are supposed to be independent and try to be fair to both parties, making their decisions on the objective facts presented by the two parties.

Blue collar workers

Production and maintenance workers as contrasted to office and professional personnel (white collar workers).

Canadian Labour Congress (CLC)

Canada's national labour body representing over 70 percent of organized labour in the country – some 3 million workers.

Certification

Certification is official designation by the provincial Labour

Relations Board that a union is the sole and exclusive bargaining agent for a group of workers. Certification is granted following proof that the majority of employees in a bargaining unit want a particular union to be their bargaining agent.

Checkoff

A clause in a collective agreement that authorizes an employer to deduct union dues and, sometimes other assessments, and transmit these funds to the union. There are four main types of checkoff. The first three apply to union members only, while the Rand Formula sees dues deducted from both union and non-union employees.

Classification plan

A job evaluation method based on comparison of jobs against a pay scale.

Closed shop

A provision in a collective agreement whereby all employees in a bargaining unit must be union members in good standing before being hired, and new employees are hired through the union. NAPE is not a closed shop.

Collective agreement

A contract (agreement and contract are interchangeable terms) between one or more unions acting as the bargaining agent and one or more employers that covers wages, hours, working conditions, fringe benefits, rights of workers and union, and procedures to be followed in settling disputes and grievances.

Collective bargaining

The method of determining wages, hours, and other conditions of employment through direct negotiations between the union and employer. Normally the result of collective bargaining

is a written contract that covers all employees in the bargaining unit.

Company union (or boutique union)

A one-company group of employees frequently organized or inspired by management and usually dominated by the employer.

Conciliation and mediation

A process which attempts to resolve labour disputes by compromise or voluntary agreement. In contrast with arbitration, the mediator, conciliator, or conciliation board does not bring in a binding award so the parties are free to accept or to reject its recommendation(s). The conciliator is often a government official while the mediator is usually a private individual appointed as a last resort, sometimes even after the start of a strike.

Consumer Price Index

Statistics Canada's monthly statistical study, which checks retail prices of selected consumer items in a representative group of cities. Strictly, it is not a 'cost of living' index, though it is often described as such.

Contracting out

A practice of employers in which work is performed by an outside contractor and not by regular employees in the unit. Not to be confused with subcontracting, which is the practice of a contractor delegating part of this work to a subcontractor.

Contract

See Collective agreement.

Contract proposals

Proposed changes to the collective agreement put forward by the union or the employer and subject to collective bargaining.

Cost of living allowance (COLA)

Periodic pay increase based on changes in the Consumer Price Index, sometimes with a stated top limit.

Craft union

Also called a horizontal union. A craft union organizes on the principle of limiting membership to some specific craft or skill, i.e., electricians, plumbers, etc. In practice, many traditional craft unions now also enroll members outside their craft, which makes them resemble industrial unions.

Day of Mourning

The Day of Mourning for workers killed or injured on the job falls on April 28. Many NAPE Locals send representatives to attend their local service and to lay a wreath along with other unions.

Decertification

When the Labour Relations Board withdraws its certification of a union as the exclusive bargaining agent.

Demotion

Transferring an employee to a job involving reduced responsibilities and duties and possibly a reduction in pay.

Discipline clause

A section of a collective bargaining agreement in which the employer reserves its right to penalize employees for conduct it finds unacceptable.

Discrimination

Discrimination is when an individual is treated differently because of their race, creed, sex, sexual orientation, physical or mental attributes, or any other personal attribute.

Down time

Period when work is not proceeding for one reason or another (such as a machine not operating due to mechanical failure, or lack of materials, etc.) through no fault of the operator but with the workers still on the job. Under a union contract, down time is usually paid for.

Dues

Periodic payments by union members for the financial support of their union, which are submitted automatically by the employer.

Duty of fair representation

Unions must not act in a manner that is arbitrary, discriminatory, or in bad faith toward any member of its bargaining unit.

Education leave

A negotiated benefit where the employer guarantees the right of members to leave work to attend union courses as long as adequate notice is given. Members taking part in union courses are sometimes provided with wage loss, where NAPE reimburses their employer for their wages while they were off from work.

Essential services agreement

In the public sector, a negotiated agreement regarding the number of union members who are required to remain on the job during a strike in order to provide essential services.

Expedited arbitration

A fast-track arbitration system where cases are presented within a specified time limit. Usually the arbitrator(s) is obligated to issue awards in a specified time. Such awards are not precedent setting nor do they create new law..

Federation of labour

A federation chartered by the Canadian Labour Congress, which groups unions and labour councils in a given province or territory. In NAPE's case, the Newfoundland and Labrador Federation of Labour (NLFL).

Final offer arbitration

Final offer arbitration is uncommon, but it is occasionally used when negotiations lead to an impasse. Each side makes a final offer, and the arbitrator makes a final decision on which one will be used to settle the dispute.

Fringe benefits

Non-wage benefits such as paid vacations, pensions, health and welfare provisions, life insurance, etc., the cost of which is borne in whole or in part by the employer.

Grievance

Complaint against management by one or more employees or a union concerning an alleged breach of the collective agreement or an alleged injustice. The procedure for the handling of grievances is usually defined in the collective agreement. The last step of the procedure is usually arbitration.

Harassment

See the Harassment chapter.

Incentive pay

Pay that varies according to production. Pay may depend

upon number of pieces of work completed by an individual or groups of workers. Wages may be paid on a piece, bonus, or premium basis. Contracts guarantee incentive workers a minimum hourly rate.

Industrial union

Also called a 'vertical union.' A trade union that organizes on the principle of including all workers from one industry regardless of their craft or whether they are skilled or unskilled. See craft union.

Injunction

A court order restraining an employer or union from committing or engaging in certain acts.

International Labour Organization (ILO)

The tripartite world body representing labour, management, and government. ILO is an agency of the United Nations. It disseminates labour information and sets minimum international labour standards called conventions that are offered to member nations for adoption. Its headquarters is in Geneva, Switzerland.

International union

A union that has members in both Canada and the United States.

Job analysis

An investigation of duties and operations of a job to determine its requirements in terms of human abilities and relationships.

Job classification

Job rating based on an analysis of the requirements of the work.

Job content

The actual duties that make up a job.

Job description

A part of job evaluation that involves a review of the nature of the work, its relationship to other jobs, the working conditions, the degree of responsibility, and the other qualifications called for by the work.

Job evaluation

A system designed to create a hierarchy of jobs based on factors such as skill, responsibility or experience, time, and effort. Often used for the purpose of arriving at a rational system of wage differential between jobs or classes of jobs.

Job security

A provision in a collective agreement protecting a worker's job during times of change such as the introduction of new methods, technology, or machinery.

Jurisdictional dispute

A dispute between two or more unions about which one will represent a group of employees in collective bargaining or about whose members will perform a certain kind of work.

Jurisprudence

The decisions of arbitrators or arbitration boards that make up case law in labour court.

Labour College of Canada

An institution of higher education for trade union members operated by the Canadian Labour Congress for the purpose of providing a training ground for future trade union leaders.

Labour Council

An organization composed of CLC-affiliated unions in a given community or district.

Labour Relations Board

A board established under the provincial Labour Relations Act to administer labour law, including certification of trade unions as bargaining agents, investigation of unfair labour practices, and other functions prescribed under the legislation.

Layoff

Temporary, prolonged, or final separation from employment due to lack of work.

Leave of absence

Permitted absence for an employee for a limited period, ordinarily without pay.

Local (union)

Also known as a lodge or a branch, Locals are the basic unit of union organization. Trade unions are usually divided into a number of Locals for the purpose of local administration. These Locals have their own by-laws and elect their own officers. They are usually responsible for the day-to-day administration of the collective agreements covering their members.

Lockout

A labour dispute in which management refuses work to employees or closes its establishment in order to force a settlement on its terms.

Management rights

Also called employer rights, management generally contends that this body of rights – including hiring, scheduling of

hours of operation, and contracting – are not proper subjects for collective bargaining.

Master agreement (model agreement)

A union contract executed by the leading employer in an industry that sets the general pattern that will be followed by the industry. Also a union contract that sets basic standards for employers and unions covered by the agreement, which will then be modified to accommodate negotiation on items specific to the bargaining unit.

Mediation

A means of settling labour disputes where the contending parties engage a third person as a neutral go-between.

Modified union shop

A place of work in which non-union workers already employed need not join the union, but all new employees must join, and those who are already members must remain in the union. See union security and union shop.

Moonlighting

The holding by a single individual of more than one paid job at the same time.

Multi-national corporation

Any company that operates in more than one country.

National union

A union whose membership is confined to Canada.

No strike clause

A contract clause limiting the freedom of workers to strike during the life of the agreement. Used when the contract provides for final settlement of grievances through arbitration.

Open shop

A shop or workplace in which union membership is not required as a condition of securing or retaining employment.

Overtime

Hours worked in excess of a maximum regular number of hours fixed by statute, union contract, or custom. Clock overtime is a premium paid for work during specified regular working hours required as part of a collective agreement.

Overtime rate

Higher rate of pay fixed by statute, union contract, or custom for hours worked in excess of a specified straight-time maximum.

Paid education leave

A negotiated benefit where the employer gives members time off with pay to attend training related to their work.

Pay equity

The principle that there should be equal levels of pay / remuneration for all workers who perform functions of equal value.

Per capita tax

Regular payments by a union to its national or international union, labour council, or labour federation, or by a union to its central labour body based on the number of members in the union.

Picketing

A tactic employed by union members where they walk holding signs near an employer's place of business to publicize the existence of a labour dispute, persuade workers to join a strike or join the union, discourage customers from buying or using employer's goods or service, etc. Union members who picket are referred to as picketers.

Piece rate (piece work)

A form of incentive pay under which wages are paid according to the number of pieces produced. Pay may be related to individual or group production. A piece rate is unlike an hourly rate of pay under which the worker receives a fixed rate that does not vary with output. Most contracts guarantee piece rate workers a minimum hourly rate.

Posting

The required display of job vacancies available for competition within the bargaining unit.

Preferential hiring

A system under which employers agree to hire only union workers so long as the union is able to fill its demand for workers.

Premium pay

A wage rate higher than straight time. Payable for overtime work, work on holidays or scheduled days off, or for work under extraordinary conditions such as dangerous, dirty, or unpleasant work.

Probationary period (trial period)

Time during which a new employee is on trial by the company and usually subject to discharge without union challenge, except where the discharge is discriminatory.

Promotion

Advancing an employee to a position paying a higher salary.

Raiding

An attempt by one union to induce members of another union to defect and join its ranks.

Rand Formula

Also called agency shop. A union security clause in a collective agreement stating that the employer agrees to deduct an amount equal to the union dues from all workers of the bargaining unit, whether or not they are members of the union, for the duration of the collective agreement. See Checkoff.

Recognition

Employer acceptance of a union as the exclusive bargaining representative for the employees in the bargaining unit.

Red circle rate

A rate of pay for a particular employee that is higher than the top rate of pay for the work the employee is doing. For example, because of old age, disability, or the like, a member may be demoted to easier, lower-paying work with no reduction in pay. That employee is said to be red circled. Some contracts provide that red-circled employees are not entitled to receive increases until their rate of pay is commensurate with the rate usually paid for the work they are doing.

Reinstatement

The restoration of a discriminatorily discharged employee to that employee's former job.

Re-opener

A provision calling for reopening a collective agreement at a specified time prior to its expiration for bargaining on stated subjects such as a wage increase, pension, health and welfare, etc.

Seniority

The term used to designate an employee's status relative to other employees used in determining the order of layoffs,

promotion, recall, transfer, vacations, etc. Depending on the provisions of the collective agreement, seniority can be based on length of service alone or on additional factors such as ability or union duties.

Severance pay

Lump sum payment by the employer to a worker laid off permanently through no fault of the worker.

Shift

The stated daily working period for a group of employees, for example, 8:00 am to 4:00 pm or 4:00 pm to midnight, or midnight to 8:00 am. See also Split shift.

Shift differential

Added pay for work performed at other than regular daytime hours.

Shop Steward

A union official, usually elected, who represents the union to a specific group of members whose role it is to enforce the collective agreement through the grievance process. Shop Stewards are usually part of the workforce they represent.

Slowdown

A deliberate lessening of work effort without an actual strike in order to force concessions from the employer. A variation of this is called a work-to-rule strike – a concerted slowdown in which workers simply obey all laws and rules applying to their work.

Split shift

Division of an employee's daily working time into two or more working periods to meet peak needs.

Strike

A strike is a cessation of work or a refusal to work or to continue work by union members for the purpose of compelling an employer to agree to terms or conditions of employment. Strikes are usually the last stage of collective bargaining when all other means have failed. Except in special cases, strikes are legal when a collective agreement is not in force. A rotating or hit-and-run strike is a strike organized in such a way that only part of the employees stop work at any given time, each group taking its turn. A sympathy strike is a strike by workers not directly involved in a labour dispute – an attempt to show labour solidarity and to put pressure on an employer in a labour dispute. A wildcat strike is a strike violating the collective agreement and not authorized by the union.

Strikebreaker (scab)

A person who continues to work or who accepts employment to replace workers who are on strike. By filling their jobs, they may weaken or break the strike.

Jack London, an American author in the early 1900s who was sympathetic to the plight of striking dock workers, wrote: “After God had finished the rattlesnake, the toad, and the vampire, he had some awful stuff left with which he made a scab. A scab is a two-legged animal with a corkscrew soul, a water-logged brain, and a backbone of jelly and glue. Where others have hearts, he carries a tumor of rotten principles ... No man has the right to scab as long as there is a pool of water to drown his carcass in, or a rope long enough to hang his body with.”

Strike vote

Vote conducted among members of a union to determine whether or not to go on strike.

Suspension

A layoff from work or from union membership as a disciplinary measure.

Technological change

Technical changes to the work process such as the introduction of labour-saving machinery or new production techniques. These often result in workforce reduction.

Trade union

Workers organized into a voluntary association to further their mutual interests with respect to wages, hours of work, working conditions, and other matters of interest to the workers.

Trusteeship

The taking over of the administration of a union's affairs, including its finances, by the parent body.

Unfair labour practices

Those employer or union activities that are classed as unfair by labour relations legislation.

Union label (or union bug)

A tag, imprint, or design affixed to a product to show it was made by union labour.

Union security

Provisions in collective agreements designed to protect the institutional life of the union. See also: checkoff, closed shop, Rand Formula, union shop, modified union shop.

Union shop

A place of work where every worker covered by the collective agreement must become and remain a member of the union.

New workers need not be union members to be hired but must join after a certain number of days. See also union security, modified union shop.

Voluntary recognition

An employer and a trade union may agree that the employer will recognize the trade union as the exclusive bargaining agent of the employees in a defined bargaining unit.

Wage Loss

When NAPE members are on union business, and often when they are attending union training, NAPE will reimburse their employers for their wages while they were off from work.

Walkout

Loose term for a strike.

White collar workers

Workers in offices and other non-production kinds of industry, business, or work.

Work-to-rule

A practice where workers obey all laws and rules pertaining to their work thereby effecting a slow-down. Also a refusal to perform duties which, although related to the job, are not explicitly included in the job description.

Working conditions

Conditions pertaining to the job environment such as hours of work, safety, paid holidays and vacations, rest periods, free clothing or uniforms, possibilities of advancement, etc. Many of these are included in the collective agreement and subject to collective bargaining.

