

UFCW

a VOICE for working America

UFCW Steward

Volume 13 Issue 6

CHANGING
THE
INDIVIDUAL
GRIEVANCE...



...INTO THE GROUP
GRIEVANCE



©2017

Strategic Grievances: Uniting a Workplace

In these troubled times, a steward's main goal must be building solidarity among members to strengthen your union. A movement to build this strength is also the opportunity to sign up non-members, now an urgent campaign as the U.S. Supreme Court plans to hear *Janus v AFSCME* in the spring.

In 1977, the U.S. Supreme Court ruled that public sector workers represented by a union must pay a portion of the costs associated with bargaining and administering the contract (known as "agency fees") but they do not have to pay full dues. Illinois government worker Mark Janus, funded by a collection of deep-pocketed right-wing organizations, is asking the court for a new standard: the right for any member not to pay any fees at all.

Before, a steward might have simply reacted—a member came with a problem, the steward investigated and filed a grievance. The dispute chugged its way along through the steps of the grievance procedure and ended up in arbitration. Most members did not know about these grievances and certainly did not participate in them, figuring that the problem only applied to an individual, not to the whole group.

Times are changing fast and stewards need new strategies, such as the not-really-so-new organizing model of unionism, which emphasizes proactive union activity. It is now important for stewards to think *organizationally*—what grievances will build the union and have an impact among many members?

Instead of waiting for a member to come to you, go to your members—a listening tour—to see what issues are bothering them. This is a great chance to increase union visibility and to check in with non-members as well. If they see union activities that will personally benefit them, they are more likely to join up.

Carry union buttons, your union's newsletter, a copy of something you like in this publication, or other information.

It is perfectly legal to make such rounds, even though your supervisor may have learned in management training to try to block you by warning (falsely) that "soliciting grievances is illegal and could get you into trouble." The consultants fear any moves that strengthen your union—and they are paid huge dollars to try to prevent it.

See how many members complain about a situation and if those problems appear in different areas of your workplace.

Then go through your contract to mark all the clauses that support your case.

If you find an individual grievance—a supervisor is harassing one of your members, maybe even a non-member—jump on it. This bad situation is a golden chance to build the union.

First, change from *individual* grievance into a *group* grievance, so that you have as many members—and non-members—as possible signing on as grievants. Be creative in thinking through how such individual harassment injures everyone. For example, does it create an uncomfortable or hostile work environment? Ask others about how it affects their work. Expanding the number of people included in the grievance means more people can come to the grievance meeting and discuss the issue with their coworkers. Everyone can show their support for an issue by wearing stickers, by holding workplace information meetings and even by picketing, making a positive union action the talk of the workplace.

Secondly, the issue may not fit neatly into one of your contract clauses, so use the recognition clause, which gives the union the right to bargain over "wages,

hours and *all terms and conditions of employment.*" This phrase allows the union to challenge any condition in, around, or related to the workplace, and is an opening that an aggressive steward should grab because the language means you can grieve almost anything.

One important aspect of this campaign is communicating with all of your members about the grievance, emphasizing its importance to each of them. Too often, members see a grievance applying only to an individual, so a steward must demonstrate that this grievance is really a defense of the union contract, which affects all members. It's

not just an abstract plea for solidarity, but a practical appeal to our selfish natures. If a boss harasses one of us, he harasses all of us—and a union is only as strong as its most vulnerable member.

A steward should have a fast and efficient communications network in place to let all members know how the grievance is progressing; if you don't, this is a great time to start one. Contacting your members by e-mail, by text, by Twitter or by a union app gets the word around instantly, and assures that the union's version of the situation will be the one heard throughout the workplace, so members don't rely on gossip or rumors. You can, and maybe should, still post the union leaflet on the bulletin board, but make sure members know how to respond, so it's always a two-way conversation.

Once you are successful with a couple of proactive group grievances, you will notice the boss being a little more careful and the members feeling prouder of their union. And you have done what a steward is supposed to do—build the union.

—Bill Barry. The writer is the retired director of labor studies at the Community College of Baltimore County.

**Make a positive
union action
the talk of the
workplace**

Stewards as Cultural Change Agents

With the Harvey Weinstein and subsequent revelations about misconduct by powerful men—including some union leaders—hitting the news week after week, many people are wondering how much sexual harassment and assault might be happening in their communities. Workers in every kind of industry are talking about how to protect themselves and one another.

In a recent statement, the AFL-CIO's officers "pledge to double down on our efforts to ensure we stamp out the pervasive problems of harassment and discrimination of any form in our workplaces and in our society." This moment is a time for everyone to be a leader by promoting a culture of respect and care for all people.

Sexual harassment and assault—wherever it occurs—is always much more about power than it is about sex. Here are some guidelines for making a safer workplace, along with tips for what to do if you're made aware of harassment or if you've stepped over the line. Union activist Ana Polanco notes, "If we're serious about fighting for worker power, we have to be serious about sexual harassment and other abuses of power."

Solidarity: Not Just a Word

Labor people are known to say, "An injury to one is an injury to all." Here are some ideas about what to do when that injury happens near you:

Recognize: Individuals are harassed if *they (you) perceive* harassment. What one person may brush off as a joke or innocent comment may deeply disturb someone else. If a member says she has been sexually harassed, believe her. If someone reports that a supervisor, coworker or client has behaved inappropriately, acknowledge that an offense has occurred. Check out *Hands Off Pants On*, for an education from UNITE HERE! Local 1, unionists in Chicago's hospitality industry, whose experiences with harassment and assault are horrifying. Also

see www.labornotes.org/2017/10/no-casting-couch-low-wage-women-lots-sexual-harassment.

Respond: It's important that you express support for members who report sexual harassment. The union should be an ally, with you as their representative willing to listen and offer assistance—problem solving, filing a grievance, or referring to community resources. Assure the member they are not at fault. Listen carefully to what they want to do, affirm that they are in control of their next steps. Research, if necessary, and review with them their options for recourse.

■ Be aware that each person's decision to take action is both personal and strategic. Considerations include (a) their conflict style (b) the cost/benefit analysis of speaking up vs. keeping silent (c) the organization's past handling of similar problems and (d) whether the available network of resources and channels of complaint are perceived to be confidential and effective.

■ *Regardless of where they are in this process, encourage members to keep a log of dates, times, places and a summary of events.*

Refer: Members who have been harassed or assaulted are likely to want, or need, more help than you are qualified to offer. Sexual harassment is against the law, so a referral to a lawyer may be called for. Individuals may benefit from community resources, to which you or an Employee or Member Assistance Program should direct them.

Reform: Union stewards have an affirmative duty to represent all workers in the bargaining unit. This role gives you the opportunity to reform the way the workforce perceives behaviors that belittle, disrespect or otherwise harm your members. By your words and actions you influence others' conduct—even management's! As activists, you are held to a higher standard, one that reflects a belief that all workers deserve to be treated with dignity. If you witness harassment, intervene so the harasser recognizes that their conduct is

inappropriate and so that the victim feels supported. Talk with union leaders and members to raise awareness. Review the employer's policy and the language of your contract to see if there are provisions that prohibit sexual harassment—if there are, enforce them; if there aren't, suggest that language be included in the next round of negotiations. (See *The Top 10 Things Unions Can Do Right Now to Address Sexual Harassment in the Workplace*.)

Reflect: All of us have probably offended someone with words or deeds. If you are confronted about something you've said, or failed to say, dig deep and really listen. It takes a lot to set aside defensiveness but the high standards you set for yourself require that you be able to admit—to yourself and to others—when you've erred. Regardless of your intentions, if someone feels offended an apology is in order, along with a commitment to change. Men who want to be allies can learn from community based male-activists. Go to www.futureswithoutviolence.org; check out the blog and look for the post *From #MeToo to #HowIWillChange, Men Can Prevent Abuse*.

Just as with speaking in public, the more you practice action the more comfortable you become. Ask another steward to role play with you the experience of being the harassed, the bystander, and the harasser. Request that a steward training address the issue; suggest to an officer that the union pass a resolution at the next convention. (More intervention tactics are at www.unionist.com/upstander.)

The labor movement has often taken the lead in supporting cultural reforms that reduce oppression and exploitation. To those in your workplace, you are the union; you are the labor movement. Every day you influence people's attitudes about unions, so be the kind of steward that makes people say, "My union stands with me."

—KC Wagner. The writer is the co-chair of the Equity at Work initiative at Cornell ILR's Worker Institute. She has been an expert witness in court cases, developed organizational prevention and training initiatives with unions, and provided educational coaching to individuals.

The Most Famous Union Grievance in the Country

Whether you're a dedicated football fan or completely oblivious to sports, chances are that you're familiar with the name Colin Kaepernick. Kaepernick—"Kaep" to his fans—was well-known in the football world since joining the San Francisco 49ers in 2012 as a quarterback, but has been making national headlines since 2016, when he began kneeling during the national anthem to protest police brutality and racial inequality in America. His actions inflamed the NFL establishment and the conservative media, even as other players from across the league and other athletes followed his lead. Fans were divided—while some posted photos of themselves burning Kaepernick merchandise, others were vocal in their support (and helped make Kaep's jersey the highest-selling in the league).

The controversy has followed him into 2017, where his free agent status has raised eyebrows. Outside of his activist work, Kaepernick's NFL record is impressive. Other, less qualified quarterbacks were offered jobs by major teams while Kaep wasn't. It looked increasingly as if Kaepernick was being punished for aligning with the Black Lives Matter movement, for speaking out against the killings of unarmed black people by police and, ultimately, for making NFL fans and leadership alike uncomfortable about facing the realities of race and inequality in the U.S.

On October 15, the NFL Players' Association (NFLPA) filed a collusion grievance against the National Football League on Kaepernick's behalf, alleging that the NFL's team owners colluded to shut him out of the league for his political stance and activism.

As union members—I'm one, too, (my union is the Writer's Guild of America, East, and I serve on our union's Council)—we need to be paying close attention to what happens next. Kaep has elevated the humble workplace grievance into the national spotlight and kept

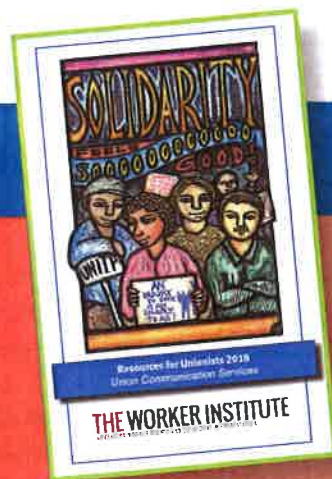
the media buzzing about its progress, as well as its implications, for other professional athletes who may seek to express their political views on the field. Not every union worker has the luxury of fame and fortune to back us up, but we *do* have contracts. Our contracts give us the right to accuse a boss of malfeasance and file a grievance without fear of reprisal, just like the NFLPA contract and mechanism that gave Kaepernick the freedom to pursue his. With Kaep's grievance in the limelight, everyone can see a power of union membership that's usually not visible.

The Major League Baseball Players Association (MLPA) set a precedent in professional sports for filing and winning collusion grievances back in 1985-87, but similar attempts have failed due to lack of evidence. Now, though, it's already been reported that NFL Commissioner Roger Goodell and several NFL owners—including Jerry Jones of the Dallas Cowboys, Robert Kraft of the New England Patriots and Bob McNair of the Houston Texans—will be deposed and asked to turn over cellphone records and emails related to Kaepernick's case. That simply wouldn't be possible without the contract, and without the grievance procedure.

We stewards have been given a golden opportunity to communicate that to our shops. Instead of quietly working out his grievance in private arbitration, Kaep went public, showing off this tool to combat harassment and rectify a hostile work environment. Kaepernick has a powerful ally in his union, NFLPA, which has negotiated collective bargaining contracts for NFL players since 1968. The results of the Kaepernick collusion grievance will surely have an effect on bargaining when the current contract runs out in 2020.

Kaep has a long road ahead of him, but he's already shown grit and wisdom by making his grievance public. He's made a habit of leading by example, and now has set an important precedent; even if his grievance is unsuccessful, he's shown other players that the union will have their backs even in the face of public pressure. That's a lesson every union steward can apply. As more and more players across the league—and members across unions and industries—choose to exercise their right to protest and speak out against injustice, it is not at all far-fetched to think that some of us may end up in the same circumstances as Kaep—and now, everyone can see that not only is there hope, there's a way to fight back.

—Kim Kelly is a writer and editor.



UCS 2018 BOOKS

**For Union
Leaders,
Activists
& Members**

**Available
January
2018**

For your free catalog write to UCS, 36 W. Main Street, Suite 440, Rochester, NY 14614, call 800.321.2545, email ucsbooks@unionist.com, or visit us on the web and see an even larger selection at www.unionist.com

Union Affinity Groups Build the Movement

While unions do build solidarity to improve the lives of everyone, it's also true that we workers are a very diverse group, and sometimes our specific identities must be addressed more directly. Several organizations exist to address—and advocate for—greater equality for workers inside and outside their unions.

These affinity organizations help support workers in their workplace and in their union, as well as support unions themselves to more effectively represent their members; they also help build support for union causes among these communities. Constituency groups create an opportunity for deeper involvement for stewards and union members, and can be a pathway toward building mutual respect and further solidarity among diverse groups of workers. Currently, the AFL-CIO recognizes six official constituency groups, which are also open to members of unions unaffiliated with the federation.

The A. Philip Randolph Institute is the oldest AFL-CIO constituency group, founded in 1965, at the height of the Civil Rights Movement. Labor and civil rights activists created the APRI specifically to further the shared goals of the two movements: social and political freedom, and economic justice for working Americans. The APRI represents a long-standing alliance and a deep history of mutual aid. It continues to work to advance the common causes of civil rights and workers' rights through organizing and activism. Find them at www.apri.org or (202) 508-3710.

Women labor leaders founded the Coalition of Labor Union Women (www.cluw.org) in 1974, to directly address their specific needs as women workers.

Throughout its history, CLUW has championed the causes of working women, including pay equity and women's health-care, and fighting harassment and discrimination in the workplace.

Since 1994, Pride at Work (P@W) has been dedicated to representing union members in the LGBTQ community, focusing on fighting discrimination against LGBTQ individuals. In recent years, P@W has campaigned for a federal ban on discrimination against people due to their sexual orientation or gender expression which is still legal in 28 states. P@W also works toward the inclusion of non-discrimination clauses in all union contracts, and acts to make unions more comfortable with and better advocates for LGBTQ people. Contact: www.prideatwork.org; (202) 637-5014, info@prideatwork.org.

In 1972, Black labor leaders formed the Coalition of Black Trade Unionists (CBTU) to increase the representation of Black workers in the union movement and become a bridge between organized labor and the Black community. Today the CBTU works to increase Black representation in union leadership, and to promote the benefits of unions among non-union workers. www.cbtu.org

Also in 1972, Latino and Latina leaders created the Labor Council for Latin American Advancement (LCLAA) both for Latinx workers in unions, and to support Latinx workers organizing for union representation. The LCLAA works on a wide variety of issues that affect working families in the Latin American community. Most recently, they established a relief fund for victims of Hurricane Maria in Puerto Rico. www.lclaa.org

Twenty years later, Asian-American labor leaders formed the Asian Pacific American Labor Alliance (APALA) for the growing population of Asian and Pacific Islander union members. The organization registers voters and promotes greater civil and political engagement among these communities.

Although these organizations are officially recognized by the AFL-CIO, and have many chapters throughout the U.S. and Canada, there are several smaller, locally-based, constituency groups that also work to promote the interests of specific groups within organized labor. One example is Young Workers United, a San Francisco organization that works to support service industry workers in their teens and twenties. Other locations also have young workers groups, some of which grew out of the AFL's Young Worker initiative.

Groups like these can be excellent resources for members and shop stewards. They offer guidance and support for engaging the often-diverse populations of a workplace, and can be an avenue for workers to become more involved in specific issues and communities they care about. Many of these groups organize political actions, and offer opportunities to volunteer, encouraging workers to become more deeply engaged in issues they care about.

Constituency groups represent the understanding that unions gain strength through their diversity. A union is made up of many unique individuals, each with unique needs. Constituency groups like these can help us to better address the individual needs of our members, and to show our commitment to supporting all workers, no matter their background or identity.

—Cole Brilamy. The writer is a union activist in Florida.

**A pathway toward
building mutual respect
among diverse groups**

Standing Up to Sexual Harassment

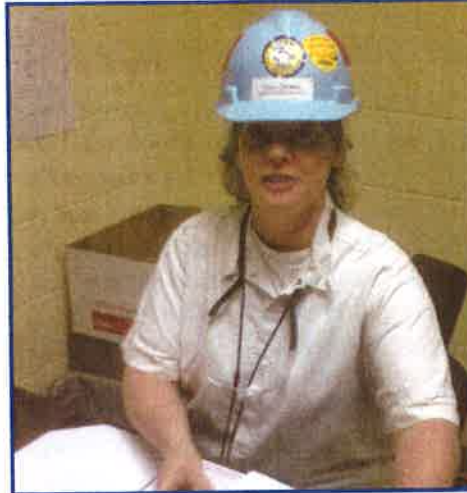
Recently, renewed media attention has shown new light on sexual harassment in many industries across America. The media spotlight usually only shines on cases involving the rich, famous or politically-connected, but sexual harassment at work, including unwanted touching or crude workplace conversation, is a pervasive issue that occurs in all types of workplaces. But with a union, we are uniquely positioned to make our workplaces safe and welcoming for everybody.

For guidance, we turned to Lisa Thoma, an experienced walking steward for UFCW Local 1161 at the JBS plant in Worthington, Minnesota, where she's worked for 27 years after starting on the day cut shift. She had simple advice to help stewards find a way to make their plants more accepting for every worker.

First of all, ensure that your company's lines about having a sexual harassment free workplace are not just talk. They should educate and train to prevent sexual harassment and take complaints about managers and supervisors behaving inappropriately seriously. As stewards, we must ensure they meet their obligations under our contracts and look out for supervisors who cross any lines—and be advocates for any of our members who report being harassed.

"We have to make sure that management shares our commitment to making our workplace work for everybody," said Lisa. "One of the advantages I've had in my years as a union member is that I know I don't have to be afraid to speak up or to challenge things that aren't right—my union has my back."

"I help people through the process of reporting sexual harassment at work," said Lisa. "They don't have to go alone, and I can tell them what to expect before they get there—it helps them have confidence. I also refuse to allow anybody to be shamed



Everyone benefits from a harassment-free workplace, and deserves one. When you're part of a union family, we can stand together and make that happen.

Lisa Thoma has been a UFCW Local 1161 steward at the JBS plant in Worthington, Minn. for 18 years.

for being a victim—they did the right thing by speaking up and they have the right to be treated with respect."

Second, Lisa recommends being a resource for coworkers who are victimized. Part of that effort is establishing trust—by acting with integrity every day. She doesn't participate in gossip, talk about the cases she handles, or participate in behavior that could be perceived as inappropriate at work. This helps to establish that if you come to her for help with a problem you face at work, especially one as sensitive as sexual harassment, Lisa is someone you can trust.

Lisa also says that stewards can help their coworkers by helping them realize that times have changed. Behavior that used to be acceptable, like the way some people talk about their coworkers, can rightfully now lead to serious consequences, and we owe it to our colleagues to give them a heads up when they are stepping over a line that could get them in trouble.

"We can head off a lot of problems just by having a conversation when we hear a rumor," said Lisa.

It's not always easy work, though, especially when a fellow union member is accused of doing the harassment. Lisa has had that happen and had to defend someone whose behavior she personally found distasteful. "You can defend someone and still let other people know that it's not a license to behave inappropriately at work," said Lisa. "The union ensures the company is fair in any discipline or action that it takes, every time."

However, one of the real benefits of having a union workplace for Lisa is having the ability to stand up and ensure that there is a safe and welcoming workplace for every member. "Everyone benefits from a harassment-free workplace, and deserves one," said Lisa. "When you're part of a union family, we can stand together and make that happen."