

# Shop Stewards Manual

TEAMSTERS LOCAL UNION NO. 464

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Message from Secretary-Treasurer Paul Barton

Dear Brothers and Sisters,

Congratulations on Becoming a Local 464 Shop Steward!

Welcome to the first edition of our Shop Steward's Manual which was adapted from Teamsters Canada's Steward's Manual: **Informed stewards = strong and effective unions**. This book, which covers many subjects, is meant to be a guide and support tool to help you with the very important work on the floor and outside of the worksite.

Your Local 464 Union Leadership and Executive Board is committed to educating both our Stewards and our membership.

Yours Fraternaly,

Paul Barton

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TEAMSTERS CANADA LABOUR EDUCATION DEPARTMENT**

In this publication, for the sake of conciseness, wherever the forms “he/him” and “his” appear, they are to be understood in the generic sense that includes “she” and its related forms.

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## INTRODUCTION

The Teamsters Union is an organization of nearly 1.4 million members, men and women, which was born as a result of the injustices imposed on workers and the desire of the transportation workers to improve their living standards and working conditions. The strength and effectiveness of any Union is no exception. The rank and file Members are the life blood of our Union and the Stewards body without a doubt is its backbone. This Stewards' Handbook is designed to help you to be as effective as possible in your job as a Union Steward. Neither this, nor any other book, will provide you with all the answers or all the information that you will need. It will, however, give some important and worthwhile tips on how to conduct yourself as a Union Steward. The only other ingredient that is required is honesty and the firm conviction that in united or collective action you, along with your fellow workers, can and will achieve many benefits in terms of improving working conditions and living standards. The job of a Union Steward is an honourable one. Take pride in your position and the fact that your fellow workers have placed this confidence in you.

## STRUCTURE OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS

- **International Convention** (Every 5 years)
- **General Executive Board**
  - General President*
  - General Secretary-Treasurer*
  - President of Teamsters Canada*
  - 21 Vice Presidents*
  - including 2 Regional Vice Presidents from Canada*
  - 3 International Trustees*
  
- **Teamsters Canada Convention** (Every 4 years)
  
- **General Executive Board**
- **14 Trade Divisions (9 in Canada)**
- **3 Trade Conferences in USA**
- **9 State Conferences in USA**
- **45 Joint Councils (4 in Canada)**(3 or more Local Unions)
- **700 Local Unions (24 Local Unions in Canada) (approximately)**

## **History of Teamsters Canada**

The International Brotherhood of Teamsters officially came into existence in 1903, when two rival organizations, the Teams Drivers International Union, formed in 1899 and the Teamsters National Union of America, formed in 1902, aligned their strength to improve the lot of team drivers and warehousemen. It was in 1906 when the first Canadian join the Teamsters Union. Over the years, as America changed, the Teamsters changed also. In 1912, the first transcontinental delivery of merchandise by motor truck made transportation history.

With the new mode of transportation, came new problems and new needs. It was during these early years that the Teamsters earned a reputation for being a strong, dynamic, militant Union that stood up for its rights and its jurisdictions.

The 1920's and 1930's were important periods of transition and growth for the Union. Ever expanding and strengthening its base, the IBT affiliated with the Canadian Trades and Labour Congress. The Union developed its internal structure, using the concept of Joint Councils and Area Conferences.

It is in 1906 that the first Canadian joined the Teamsters Union. The Canadian Conference of Teamsters was created in 1976; this was done in recognition of the special needs, interests and aspirations of its Canadian membership. The Canadian membership has grown from 74 000 members, to more than 100 000 members today. In 1992, a motion was presented to the General Executive Board to change the name of the 'Canadian Conference of Teamsters' to 'Teamsters Canada', in recognition of the special sovereign needs of Canadians. In 1994, delegates at the Teamsters Canada Special Convention approved bylaws changes which authorized Teamsters Canada to take a greater role in administering the affairs of Canadian members and affiliates within the International Union.

In 1994, Teamsters Canada created a strike fund for its Canadian membership. This strike fund is administrated by Teamsters Canada Financial Service Department.

In 1995, Teamsters Canada negotiated the terms of a proposed Canadian sovereignty amendment to the International Constitution, which would grant Teamsters Canada more autonomy and control over Canadian membership issues. To that effect an amendment was passed at the International Convention in 1996 creating the post of President of

Teamsters Canada, the candidate to that post is to be elected by Canadian membership.

Since 2001, a major change to the International Constitution recognizes the autonomy of Teamsters Canada.

**The amendment negotiated between Teamsters Canada and the international union resulted in the addition of the following new article to the International Convention, which:**

- recognizes **the fundamental reality of the Canadian identity** and grants a charter to Teamsters Canada to enable it, on behalf of its Canadian members, to carry out certain functions similar to those carried out by the international union on behalf of its American members (i.e. lobbying with governments, political action, national bargaining, organizing, research, education, and communication, as well as establishing solidarity links with other labour organizations.)
- **guarantees necessary funds to Teamsters Canada** by redirecting the per capita tax: local unions must send three dollars and ninety cents (\$3.90) each month to Teamsters Canada, and Teamsters Canada must remit forty cents (40¢) of this amount to the IBT. This per capita tax is in addition to the one dollar and fifty cents (\$1.50) that local unions are required to pay according to the rules of Teamsters Canada.
- provides for the **election of three international officers of Teamsters Canada**, the president and two regional vice presidents, by a vote of Canadian members during the election of international officers.
- establishes the **president as the principal officer of Teamsters Canada and president of the Executive Committee** with general oversight of the affairs of Teamsters Canada, subject to approval by the Executive Committee on substantive questions and in consultation with the general chairperson on all questions related to the international union.
- assumes **that there is no disaffiliation from the international union without a vote by Canadian members** and protects Canadian employees of Teamsters in the eventuality of such a vote.
- establishes a **Professional Ethics Committee** to protect members' rights, counter corruption and promote high ethical standards in the business affairs of the union. (Note: This clause of the amendment was adapted to respond to requirements for application and compliance with the current CODE OF CONDUCT drafted by the IBT.)



- maintains a **bilingual Canadian publication** for its members under the editorial management of the president, in keeping with the policies of the Executive Committee and including a message from the general chairperson and additional material from the United States.
- maintains a **Canadian grievance fund** for members.

## **Chapter 1**

### **THE STEWARD**

#### **Importance of the Job**

The Steward is the spokesperson of the Union on the job site who handles the problems and concerns of the employees and the employees' Union. As a Steward, you are the key representative of the Union in the work force, for you have the most direct and immediate communication with the membership. As the Union's contact person with the membership, your actions, activities, and attitudes are crucial to the strength and success of the Union. You, more than any other Union representative, will determine the extent to which the Union will achieve its goals and objectives. If the membership sees you as fair-minded, efficient and knowledgeable, it will reflect favourably on the local, the International, and the labour movement in general. Each situation the Steward faces is unique and there is no easy formula available for maintaining the balance that exists in employee-employer-Union relationship. As you become more and more familiar with the new role you have undertaken, you will probably find the following guidelines helpful.

#### **Guidelines for the Steward**

##### **1. Take time to listen**

- Listen fairly and objectively to all parties in a dispute
- Listen to employees' complaints and problems as well as their achievements and successes.
- Listen to the supervisors and management personnel to more fully understand their intent and to have information from which to create your strategy.

##### **2. Maintain discretion and confidentiality**

- Work problems, personal problems, financial problems will come to you and, like a counsellor or lawyer, you will have to hold these in confidence.
- When speaking with management officials, it will be necessary to use sound judgement when discussing a member's problem. Always try to solve problems before filing a grievance. It is
- If you fulfill this obligation, you will win the respect and trust of your members.

##### **3. Keep your cool**

- When you lose your temper in any human relationship, you lose control of the entire situation.
- At best, losing your temper lessens your credibility; at worst it plays right into the hands of those you oppose.

#### **4. Be friendly**

- Members need to know that you are approachable.
- Make the first move to establish rapport with people, particularly new members.
- Members should get the impression that you enjoy being a Steward and are interested in the things that relate to their work life.
- Visit work areas regularly to see how things are going.

#### **5. Keep Members informed**

- Inform members in advance of Union meetings and activities.
- Ensure that everyone in a department is aware of contract language and that they should contact you in case of a difficulty.
- Sit with different groups at lunch; find out if there are any problems.

#### **6. Defend Members -** Be prepared when you go in a meeting with the Employer.

- Investigate before filling a grievance.

## **Chapter 2**

### **ROLE AND RESPONSIBILITIES OF THE STEWARD**

The Steward is many things to many people and plays many different roles. First and foremost, you are the representative of the Union at the workplace. As Union representative your responsibilities will be:

- To police and enforce the contract;
- To act effectively to prevent grievances from arising;
- To effectively handle grievances that are violations of the contract;
- To screen out grievances from complaints;
- To constantly evaluate the labour agreement to determine its strengths and the weaknesses;
- To protect workers' rights.

You will also have to be a Leader, an Organizer, a Communicator and a Counsellor. Each role you play will have certain responsibilities attached to it. The following is a list of various roles and responsibilities of the Shop Steward.

#### **Leader**

- Build solidarity in your workplace;
- Speak up for your members;
- Act quickly and decisively when an issue arises;
- Develop the respect of the other workers and of management by fulfilling your duties as an employee;
- Work for Union goals and activities;
- Establish the respect of the members;
- Be fair and keep your work;
- Combat anti-Union activity.

#### **Organizer**

- As soon as you become aware that there is a new employee on the job, introduce yourself and familiarize him with Union activities;
- Sign up new employees and collect the initiation fee, if applicable;
- Pass on names and phone numbers of potential Union members outside your company for the staff organizer to contact;

- Develop membership participation in the Union and encourage attendance at Union meetings;
- Make sure you have an up-to-date seniority list.

### **Communicator**

- Assist the Union leadership in insuring that the membership is totally informed;
- Inform your department about topics and issues at Union meetings;
- Keep your department informed about planned company or Union activities;
- Encourage people to read the notices on the bulletin boards and stay informed about new policies;
- Keep Union officers informed of what is happening in the workplace.

### **Counselor/Friend**

- Be prepared to listen to problems which concern your members. If you show an interest in your members as individuals, they will be supportive of you and, through you, in the Union.

## Chapter 3

### WHAT THE STEWARD SHOULD KNOW

A Steward wears many hats. A Steward plays many roles and has considerable responsibility to the Union and the members. In order to effectively carry out the job of settling grievances, being a Union leader and building the Union, there are a number of things you will have to know.

#### 1. Your Agreement

Most grievances are contract violations; you will need to know your contract thoroughly. Read it over carefully. While it may seem complicated, every sentence in it was put there during negotiations to cover some problem. Notice what each section covers, and talk to your Union officers or other Stewards to see how individual clauses are interpreted. Past grievances and arbitration awards will let you know how the contract has been interpreted in the past.

#### 2. Your Department

In order to handle grievances efficiently and effectively, there is certain information that you will have to know about your department. You will need a general understanding of all the operations performed in your unit, the nature of the equipment, the rates of pay on various equipment, the earnings and the production expected. Be businesslike – put all the material on rates, earnings, seniority, and past grievances in folders and keep the files handy.

#### 3. Your People

**Supervisor/Foreman:** Get to know the supervisor or foreman that you will be working with, how much authority they have, how they treat the members, their individual personal traits. A working relationship with the foreman can be an asset in handling grievances at the first level and for raising issues with management.

**Membership:** Get to know your members, talk to them regularly. You will need to understand their job and the working conditions, and where they fit on the seniority list. Good human relations are an important tool of the Steward; if you can take individual differences into account, you will be able to do your job better.

#### **4. The Company practice and policy**

You will need to know company rules and regulations and how they apply to your membership.

#### **5. Labour Laws**

A Steward should have a general understanding of the various labour laws which affect the working conditions of the membership. For specific information regarding these laws, consult your business agent.

#### **6. Your Union**

You should read the Teamster's publications and website, attend Union meetings and keep in touch with your Local Union.

#### **7. Yourself**

Understand your strengths and weaknesses and when you don't understand something, don't be afraid to ask. The only dumb question is the one you didn't ask. In the beginning, you cannot expect to be an expert in all these topics. However, a willingness to learn, to ask questions and to read the Union material will contribute to the development of your skills as a Steward.

## Chapter 4

### WHAT IS A GRIEVANCE?

A grievance is a complaint against management by one or more employee(s), or by a Union, concerning an alleged breach of the collective agreement, a violation of provincial or federal labour legislation, or company rules, or an alleged injustice.

Generally, a grievance exists when there is:

- a violation of the negotiated agreement;
- a difference between the Union and management interpretation of the negotiated agreement;
- a violation of legislation or regulations;
- improper working conditions;
- improper disciplinary actions – letters of reprimand, suspensions, etc.;
- violations of health and safety standards;
- disagreement over industry policies or procedures; and,
- unfair treatment of an employee.

If the answer to any of the above is “yes” you probably have a grievance. Sometimes, after the facts and checking the negotiated agreement, laws, or regulations, you may find that the grievance is unjustified because:

- the employee misunderstood the actions taken by management;
- the employee or manager misunderstood the negotiated agreement or the regulations; or,
- the complaint is of a personal nature for which management is not responsible.

All labour-management disputes that arise are handled through the same grievance procedure regardless of whether they deal with promotions, layoffs, discharges or working conditions. The grievance procedure, therefore, is the most important article in the negotiated agreement.



## **Why have a Grievance Procedure?**

Why bother going through the grievance procedure to remedy a violation of the collective agreement? Why not close down the plant? The simple answer is that this is illegal.

During the term of their collective agreement, the Union and the employer must resolve differences about the administration of the agreement without stopping work. This legal requirement is written into the Federal Labour Code and all of the Provincial Labour Codes. The method for resolving these differences is the grievance procedure, with its final resort to binding arbitration. This is a trade-off between the employees and their employer: the employees agree not to strike to resolve grievances and the employer agrees to speedily consider their grievances in order to resolve them.

A basic rule of the grievance procedure is: WORK NOW, GRIEVE LATER. This means that the employee should follow orders from the employer, even though he believes that the orders violate the collective agreement, and then take the quarrel through the grievance procedure and, if necessary, to arbitration. Whenever an employee breaks this basic rule by taking a complaint into his own hands, he creates difficulties for himself later. If his grievance goes all the way to arbitration, the grievor will get little sympathy from the arbitrator because he didn't follow the procedure.

## **Types of Grievances**

**There are five basic types of grievances:**

### **1. Individual Grievance**

An individual grievance is a complaint by an employee that the employer has violated the individual rights of the employee as spelled out in the collective agreement, past practice or legislation. Common grievances of this type involve: (1) discipline, (2) improper layoffs, (3) denial of payment; (4) sick leave; or (5) vacation, etc. The grievance will be based on a particular set of facts regarding the rights of the employee as set out in the agreement. This type of grievance affects one individual directly and must be filed in the individual's name.

## **2. Group Grievance**

A group grievance is a complaint by a group of employees (a department, a shift, or all employees in a particular job classification), stating that the employer has violated their rights under the agreement. All have been affected in the same way, at the same time, by the action or inaction of the employer. Examples include: (1) the company changing the starting time for the day-shift, or (2) refusing reporting pay for a particular department. In situations like this it makes sense to process the grievances a group in search of a common remedy rather than pursue individual grievances.

## **3. Policy Grievance**

A policy grievance is a complaint by the Union that the employer has violated the collective agreement in a way that could affect all of the employees covered by the agreement. A policy grievance is usually a request that an article of the collective agreement be interpreted in a certain way. For example, if the company assigns a steady day-shift employee to work on an off shift without regard to seniority, the Union might grieve in order to establish that seniority must be considered in such an assignment even though the individual involved has no complaint against the shift change. Common policy grievances concern threats to the integrity of the bargaining unit such as contracting-out or situations where supervisors do bargaining unit work.

## **4. Union Grievance**

This kind of grievance is a complaint that involves a dispute directly between the two parties to the collective agreement, management and the Union. For example, the Union would grieve on its own behalf if the company failed to deduct Union dues as required by the agreement.

## **5. Management Grievance**

A management grievance is a complaint by the employer that the Union and/or the employees have violated the agreement. The most common management grievance arises out of “wildcat” strikes where the company complains that the Union authorized the strike. These grievances have been successful in collecting damages for losses caused by the strike.

As a Steward you will usually be handling individual grievances. However, you should be aware that in some circumstances the group grievance is most appropriate. Also, be alert to possible violations of the agreement that call for a policy grievance. While the Union will see to Union grievances, don't forget that the grievance procedure works both ways – when the employees violate the agreement the employer has the right to file a management grievance, and sometimes these grievances have expensive consequences for both the employees and the Union.

## **Chapter 5**

### **What factors make for good Grievance handling?**

- Settle grievances on the basis of merit only;
- If the Steward and the foreman know the situation first hand, and can settle the grievance fairly, it saves time, reduces irritation and builds members' confidence in the Union;
- Avoid delays. Delays worry the worker and result in loss of confidence;
- Avoid favouritism. Enforce the contract and settle grievances fairly.

Sometimes there may not be a clear-cut violation of the contract; however, the Steward, if in doubt, should process the complaint if it appears that the company has been unfair. It offers an opportunity to get all the facts out. If necessary, the Local Union can then withdraw the grievance.

### **When it is not a valid Grievance**

You should after investigation explain to the member the reason why it is not a valid grievance. If the employee maintains there is a violation of the contract, explain tactfully why it is not a violation.

In some cases, a problem could be a legitimate concern to the members even though it is not technically a violation of the agreement. Such problem should be brought to the attention of management.

## **Chapter 6**

### **THE STEWARD AND THE GRIEVANCE**

The purpose of the grievance procedure is to provide an orderly method to settle disputes that arise during the life of the collective agreement. When the Steward and the foreman cannot settle a grievance, it goes to the next step in the grievance procedure. It may go all the way to arbitration. The steps in the grievance procedure vary, but they are always outlined in the contract. There may be three, four or even more steps in your grievance procedure. Whatever the number, the general principle is the same. At each step, the appropriate officials from the Union and from management are brought in to see if they can settle the problem.

Handling grievances is the most important part of a Steward's job. At first glance, one may think that the Steward holds the least significant position in the grievance process. However, consider the origin of the grievance, the employee comes to the Steward first. Therefore, the records, discussions and insights at this first step set the stage for the successful resolution that may come later. The burden is placed on the Steward to accurately record all information necessary to provide those involved in the various stages of the grievance procedure with a clear picture of what actually took place. In other words, the employee, the foreman and the Steward have a better understanding of the grievance than anyone else involved in the process.

Winning or losing a legitimate grievance ultimately depends on the Steward's ability to investigate and judge the information and evidence at stage one, and pass this information on as clearly and accurately as possible. Settling grievances at the first step is the most desired course of action and is heavily dependent on the Steward. However, if for various reasons the grievance is carried forth, the Business Agent or Local Union Officer must use the Steward's records as the basis for the case.

Your collective agreement will outline the steps which you must follow in the grievance procedure. These steps will tell you which level of the Union and management are to be involved at each stages, the length of time you have to submit the grievance and to appeal it to the next step, and what you may grieve under your contract.

The Steward must be aware of the time limitations associated with the grievance procedure. Each step in the grievance procedure may have a time limitation. With this arrangement the company has a stated time period within which it must reply to the Union; the Union must also notify the Company within a certain number of days if it intends to appeal the grievance.

## **Chapter 7**

### **INVESTIGATING GRIEVANCE**

When an employee complains to the Shop Steward about something the employer has done (or has not done), before you can begin processing the problem through the grievance procedure you must conduct an investigation in order to find out whether or not the problem is a grievance. To get the facts, you will have to interview the employee, witnesses and management. In order to have a complete investigation you should ask the following questions: what, where, when, who, why, how, past disciplinary record and what the member wants. In investigating a grievance the following rules may be useful.

**Talk** to all of the people involved. Get the employee to tell you the whole story, not just the part that favours him. If the employee is angry calm him down – the story might change considerably when he is not emotionally upset. Get the witnesses' versions of the incident and check their stories against the one the employee has given you. Witnesses' accounts will point up the strong and weak areas of your evidence.

**Take notes** during the interviews and meetings.

**Listen** very carefully to what everyone has to say. Don't argue – you can sort out the evidence later. Ask questions for clarification or more information.

**Distinguish** between fact and opinion.

**Discuss** the case with other Stewards or your Union representative in order to get their ideas and suggestions.

**Source of information** There are many sources of information that the Steward should not forget when investigating a grievance.

## People who can supply information

- The grievor
- Witnesses to the grievance
- Other workers
- Other Union Stewards – they may be able to supply useful information concerning similar grievances in the past
- **Chapter 8**

## Writing the Grievance

When an employee comes to you with a problem you should always make a note for your files listing the person, problem, date, foreman and office or shop. Also, request the employee to write down the facts and keep an ongoing log of events that take place pertaining to the complaint. This is a safeguard in the event that the complaint becomes a legitimate grievance and proceeds through the various steps of the grievance procedure. Trying to recall times, places and actions from memory is highly ineffective in grievance handling. Should you fail to settle the grievance at the first, informal step, you will need these records in drafting the formal grievance statement.

A complaint formally enters the grievance procedure when it is presented in writing.

Don't write a book. When writing the grievance, take time to be organized. You may want to do a rough copy before you produce the final copy. In most cases you will need four copies: one for the company, one for the Union, one for the employee and one for yourself.

All facts obtained in the investigation should be recorded and be kept confidential. A written record of the grievance facts is essential to the Steward and other Union representatives for preparing and presenting the grievance effectively.

## **Chapter 9**

### **Failure to reach Agreement**

If the Steward is unable to obtain a settlement, the supervisor should be told that the grievance will be taken to the next step in the grievance procedure. Then the Steward should inform the employee of the next course of action. In addition, the Steward should brief the Union representative who is involved in the next step of the grievance procedure, as to the main line of argument taken by the supervisor.

The way in which the Steward has handled and documented the grievance up to this point will have quite an impact on the way the Union representative at the next step will proceed. The Union representative has very little to go on other than the background information received from you - the first line Union spokesman. The Steward should be careful never to guarantee the employee a successful settlement of the problem. What appears to be an airtight case is sometimes completely destroyed upon further investigation. It may then be difficult to convince the employee why the case was lost.

The Steward should be prepared to process vigorously the grievances of all the employees represented regardless of personal feelings. This should be done both as a matter of justice and as a method of ensuring that dangerous precedents involving contract violations are not established.

Since the employee wants the grievance settled "today", or "tomorrow at the latest" it is important that the employee be kept informed of the progress of the case. Sometimes it may take months before a grievance is completely processed. Therefore, an employee should be informed of the various time limitations in the procedure which make a more rapid settlement impossible.

## Chapter 10

### Some final Comments

Here are a few final things to consider in processing a grievance.

1. Remember, the only time you present a grievance is after you have gathered all the facts.
2. Keep to the time limits spelled out in the grievance procedure and see that the company does the same.
3. Follow the steps spelled out in the grievance procedure and see that the company also complies. Don't go directly to higher level management when the first step requires you to talk to the supervisor. Similarly, don't let the supervisor go behind your back and deal directly with the grievor.
4. Don't stall. If you have an unpopular decision to make, make it promptly. Delay simply causes frustration and distrust.
5. Keep a written record of the findings of your investigation and your discussions with the company. This will be an invaluable aid at later stages of the grievance procedure and a guide for dealing with future grievances.
6. Keep the grievor informed at all stages of the grievance procedure. This doesn't mean making promises or giving an overly optimistic picture, simply let the grievor know what you have done and what kind of progress has been made.
7. Keep track of the grievor's case once it leaves your hands and is turned over to a Union representative or an arbitrator. Not only does the grievor want to know how it is handled, you need to know the outcome in order to evaluate your own role in handling the grievance. The final outcome will always tell you something about the effectiveness of your presentation and this will assist you in handling future grievances.



## Chapter 11

### GLOSSARY OF LABOUR TERMS

**Agreement, Collective:** A contract; agreement and contract are used interchangeably between one or more Unions acting as bargaining agent and one or more employers covering wages, hours, working conditions, fringe benefits, rights of workers and Unions and procedures to be followed in settling disputes and grievances.

**Agency Shop:** A Union security clause which provides that an employee in the bargaining unit who refuses to join the Union must pay a service fee to the Union equal to Union dues.

**Arbitration:** A way of settling disputes by calling in an impartial third party whose decision is final and binding.

**Automation:** Production and supervision of work by means of mechanical “muscles” and electronic “brains” and without the direct use of human energy, skill, or control.

**Bargaining Agent:** Union designated by a labour relations board as the exclusive representative of all employees in a bargaining unit for the purpose of collective bargaining.

**Bargaining Unit:** A group of employees who bargain collectively with their employer. The unit may include all the workers in a single plant or in a number of plants, or it may include only the workers in a single craft within one plant.

**Boycott:** A means of collectively pressuring an employer by discouraging the public from buying that employer’s products or services.

**Certification:** Official designation by a labour relations board or similar government agency of a Union as sole and exclusive bargaining agent following proof of majority support among employees in a bargaining unit.

**Checkoff:** A clause in the Union contract authorizing the company to deduct Union dues from members’ paychecks and transfer them to the Union.

**Collective Bargaining:** The way 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 which covers all employees in the bargaining unit, Union members and non-members.

**Company Union:** A Union organized, dominated and financed by the employer, giving workers no real protection while keeping them from organizing a real Union, outlawed as an unfair labour practice by the Labour Relations Acts.

**Conciliation:** The process by which an employer and a trade Union, assisted by a third party (Conciliation Officer or Conciliation Board) attempt to achieve agreement over disputes arising in the course of negotiating a collective agreement.

**Cost-of-living Index:** The commonly used name for the Consumer's Price Index, which is prepared by Statistics Canada. This index shows, from month to month and year to year, the change in prices of a number of items which it is assumed that most families buy: food, clothing, rent, furniture, etc. This price index is, therefore, a rough measure of changes in the cost-of-living.

**Discrimination:** Unequal treatment of workers because of race, religion, nationality, sex or Union membership. Discrimination may occur in hiring, types of job given, rates of pay, promotion, lay-offs or other actions.

**Escalator Clause:** Clause in the Union contract which provides for increases or decreases in wages as the cost-of-living goes up or down. The "cost-of-living" index of Statistics Canada is usually used to measure these changes.

**Free Rider:** A worker in the bargaining unit who refuses to join the Union but enjoys all the benefits negotiated by the Union.

**Fringe Benefits:** All non-wage benefits in the Union contract such as paid holidays, paid vacations, insurance and pensions, which are paid in whole or in part by the employer.

**Hot Cargo:** A clause in the agreement that provides that employees cannot be required to handle or use goods from an employer involved in a strike.

**Incentive Pay:** A system of pay based on the amount of production a worker or group of workers turns out.

**Injunction:** A court order restraining a Union, but rarely an employer, from committing or engaging in certain acts.

**Labour Relations Board:** A board set up to administer the applicable Labour Act. It is responsible for certifications of trade Unions, investigation of violations of the Act and rectifying unfair labour practices. The boards, which vary in size, are composed of labour representatives, management representatives and an independent chairperson.

**Local Union:** The basic unit of Union organization. Trade Unions are usually divided into a number of locals for the purposes of local administration. Locals may have their own constitutions and elect their own officers; they may be responsible for the negotiation and day-to-day administration of the collective agreements covering their members.

**Lockout:** An action taken by an employer during a labour dispute which denies employees access to the workplace. Used as a means of pressuring the union to settle on the employer's terms.

**Management's Rights:** Management has the right to manage its business to the best of its ability in every respect, except to the extent that its rights are cut down by voluntary abrogation of some of these rights through contract with the Union.

**Maintenance of Membership:** A Union security provision in a contract which says that a worker who voluntarily joins the Union must remain a member until the end of the contract.

**Mediation (Conciliation):** Efforts by a neutral third party to facilitate an agreement between Union and management when there is a dispute. The conciliator or mediator acts as a friend of both sides and tries to find a basis on which the Union and the company can work things out.

**Minimum Wage:** The lowest rate of pay an employer is permitted to pay by law of the Union contract. This term is mostly used in reference to the federal and provincial wage-hour laws.

**Modified Union Shop:** A Union security provision in a contract which requires all new employees to join the Union and requires

workers already employed who are Union members to remain in the Union. The modified union shop is a combination of maintenance of membership for already employed workers and Union shop for new workers.

**Open Shop:** A plant where the employer's policy is not to recognize a Union. The term sometimes refers to a plant where Union membership is not a condition of employment.

**Picketing:** Patrolling near the employer's place of business by Union members – pickets – 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 services, etc.

**Premium Pay:** A wage rate higher than straight time payable for overtime work, work on holidays or scheduled days off, etc., or for work under extraordinary conditions such as dangerous, dirty or unpleasant work.

**Raiding** An attempt by one Union to induce members of another Union to defect and join its ranks.

**Rand Formula:** A Union-security plan developed by Judge Rand which provides for the employer to deduct Union dues by checkoff from the pay of all employees – Union or non-Union – and remit the amounts to the Union.

**Real Wages:** Earnings expressed in terms of buying power of the dollar. Buying power is the amount of goods or services which current money can buy. One measure of buying power is the Consumer Price Index.

**“Rights-To-Work” Laws:** this is an American term used by opponents of Unions to describe state laws banning the Union shop and other maintenance of membership provisions. There is no guarantee of a right to a job.

**Seniority:** A worker's length of service with an employer. Seniority often determines lay-offs, promotions, recalls or transfers.

**Severance Pay (Dismissal, Termination, Separation Pay):** Payment by the employer to workers who are permanently laid-off due to lack of work.

**Shift Differential:** Added pay for work performed on a shift usually at other than day-time hours.

**Sick Leave Benefits:** A condition of employment which provides weekly benefits for workers while they are absent from work due to illness.

**Slow Down:** A deliberate lessening of work effort while still remaining on the job in order to force concessions from the employer. A variation of this is called a “Work-to-rule” strike, in which workers simply obey all laws and rules applying to their work. These activities are considered a strike by most jurisdictions.

**Speed-Up and Stretch Out:** An increase in the amount of work an employee is expected to do without an increase in pay. The speed of the machine may be increased (speed-up) or a worker may be required to tend to a greater number of machines (stretch-out).

**Split Shift:** Division of an employee’s daily working time into two or more working periods to meet peak needs.

**Strike:** A cessation of work or a refusal to work or to continue to work by employees in combination or in accordance with a common understanding, or a slow down or other concerted activity on the part of employees designed to restrict or limit output for the purpose of compelling an employer to agree to terms or conditions of employment. It is usually the last stage of collective bargaining when all other means have failed. A rotating strike is 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 bring pressure on an employer in a labour dispute. A wildcat strike is a strike during the term of a collective agreement. A wildcat strike is not authorized by the Union.

**Strike-breaker or Scab:** A person who continues to work or who accepts employment while workers are on strike. By filling their jobs, the position of the strikers may be weakened or the strike broken.

**Strike Vote:** Vote conducted among members of a bargaining unit to determine whether or not to go on strike.

**Subcontracting (Contracting-Out):** An employer's practice of having work performed by an outside contractor and not by regular employees in the unit.

**Supplemental Unemployment Benefits(SUB):** A provision in a collective bargaining contract which provides laid-off workers benefits in addition to their unemployment insurance.

**Technological Change:** The introduction of labour saving machinery or new production techniques into existing industrial methods which may result in manpower reductions.

**Time and Motion Study:** A method of determining the time required and the motions involved in the performance of a job. The purpose of time and motion study is to establish standards of performance upon which rates of pay and production are based. These are subject to collective bargaining. Often specially trained Union representatives participate in time and motion studies in order to prevent abuse.

**Union Label or Card:** A stamp or tag on a product or card in a store or shop to show that the work is done by Union labour.

**Union Security:** A clause in the contract providing for the Union shop, modified Union shop, maintenance of membership clause, agency shop, or Rand Formula. The checkoff can also be regarded as a form of Union security.

**Union Shop:** A plant in which each worker covered by the contract must become a member of the Union. New workers need not be Union members to be hired but must join after a certain number of days, usually 30 to 90 days.

**Welfare Plan:** A fund set up by the employer or the employer and employees jointly to protect the worker and their families in case of accident, sickness or lay-off by providing: medical insurance, hospitalization insurance, life insurance, sick-benefits, supplemental unemployment insurance and pension payments.

**Working Conditions:** Conditions pertaining to the worker's job environment, such as hours of work, safety, paid holidays and vacations, rest period, free clothing or uniforms, and possibilities of advancement. There are included in the collective agreement and are subject to collective bargaining.

A glossary of Industrial Relations Terms is available free of charge from Labour Canada or its regional offices at the following address:

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Ottawa, Ontario  
K1Z 0J2