

Countering Management's Games

Smart supervisors and managers know that the best way to have a productive workplace is to play it straight and fair with everyone, especially with the steward when there's union business to be done. Unfortunately, though, not all managers and supervisors are all that smart. Many take pleasure in making the union's work as difficult as possible, especially when the grievance process is called into play.

Let's take a look at some of the ways management can try to wreck the procedure — and what an alert steward can do to counter these moves.

1 The stall: No it's not a home for a horse. This strategy is designed to make you wait. Your supervisor never replies to your request for a meeting, or never answers the first-step grievance.

Employers stall for a variety of reasons, but the bottom line is that your request for some action is ignored. The tactic is frustrating and demanding, but your response should always be business-like. If the request for a meeting goes unheeded, make it again. If it is ignored a second time, put the request in writing with a copy to the union and the supervisor's boss.

If the issue is a response to a grievance, chances are the boss is trying to get you to miss your time limits. Never let that happen. If you do not get an answer within the limits set out in your contract, go ahead and appeal the grievance to step two with a note that the first-step grievance was not answered in a timely fashion. Document your action and make sure the union is aware of the problem. In some unions the second step appeal is made by a union officer or staffer, so fol-

low your local's procedure. But don't miss your deadline because of the stall. One other note: Some unions have the enviable language in their agreement that if the step one grievance is not answered in a timely fashion, the grievance is granted. So check your contract and make sure that you know your grievance procedure.

2 The blow-out: In this scenario, the boss wants you to lose your cool, usually at the grievance meeting. You could be ridiculed, ignored, yelled at — anything to get you so hot that your emotions rule, not your intelligence. When you get angry, you forget your game plan and the meeting ends in a shouting match.

Sometimes the boss will aim the strategy at the grievant. You may have been in meetings where the supervisor turns to your member and says something like this: "Did you really think you

could get away with that?" Or "Aren't you old enough to know better?" Lines like this are designed to get the worker angry enough to say something he or she shouldn't. The member might disclose something on record that does not even belong in the meeting, or lose his cool and become insubordinate.

Keep things in control. At the grievance meeting, you do the talking. Tell the member what to expect and not to get flustered or angry with any question that's asked. Educate the member before you go into the meeting. You can stop the meeting at any time and leave the room to regroup and cool things down.

3 The trade: Formally called horse-trading, this tactic has nothing to do with ponies. It is an attempt by management to get something before

they give something. You may be asked to drop one grievance to get settlement on another. Don't fall for this ploy. Pursue all grievances on their merit. Horse-trading is not only unfair to the member being sacrificed, it's a tactic that can lead to the union being sued by the worker whose grievance is being tossed.

4 Divide and conquer: A house divided will not stand, and neither will a local union. Never allow one member to be played off against another. Never air disagreements in front of management. Have your discussion outside the room, out of earshot.

5 Side issue: Here, the supervisor will bring up extraneous issues, other grievances, or the employer's latest new rule. If the meeting has been called to discuss a grievance, redirect the conversation back to the issue at hand, as often as necessary. Don't get sidetracked. Keep control of the meeting.

6 Shifting the burden of proof: This is often used in a disciplinary hearing or appeal. Management is charging the member with some kind of infraction. Under the general rules of discipline, management must prove its case. The burden's on them. This doesn't mean you stay stone silent during the meeting. You should play a very active role in defending the member, but it is the employer's job to carry the burden of proof.

These are six tactics that can be used by management at grievance meetings. They may be used to test a new steward, or to take back control of the grievance procedure from a union that has built a record of success in using it. Don't be fooled.

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There are several ways to counter efforts to wreck the grievance procedure