

Investigating the Grievance

When a worker comes to you with a complaint, the first thing to do is get the facts. Only then can you decide whether or not it's a grievance.

Sometimes, workers take it for granted that you understand their jobs and forget to give you vital facts. Sometimes they skip the part of the story that might weaken their case. If you are to rectify their complaint, you must ask the questions that will give you all the necessary information.

Most workers assume that stewards know more about what is going on at work than they actually do. This assumption is based on the fact that they regard the steward as a leader and as someone who takes an interest in what is happening at work. They also assume that stewards know their work routines and how their machinery runs, if they run machines. Stewards should make it a point to find out the work routines, what machines there are and how they operate. This knowledge will assist greatly in any grievance hearing.

Investigate promptly. Have grievors write down the full story themselves, giving names, dates and places. Advise grievors 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 his/her memory before the hearing.

Collect statements from all available witnesses. If you can, get statements in the employee's own handwriting which are signed and dated. If not, write out the statement yourself and have the witness sign it.

Interview not only those witnesses who support the grievor but also those who don't. You will need to do this in order to find out what really happened. You also need to know what you are up against. It is also helpful in the event a witness should change his/her story at the hearing; this may be established and the witness' testimony undermined.

The information obtained in these statements can be used to test the grievor's version against the version of others and is also useful in attempts to settle a grievance with management. The statements can later be used to advantage at an arbitration hearing in order to refresh a witness' memory if he/she testifies for the grievor or to undermine a witness' testimony if he/she testifies against the grievor and changes or embellishes earlier statements.

Check other stewards and the union grievance files also, as this type of grievance may have already been settled in another department. If the grievance involves seniority, check the seniority list. Review the contract; what does it say?

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 were going to arbitration. If it ever does, you'll be prepared!

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.

Remember that several months may elapse between the events giving rise to a grievance and its final settlement at arbitration. Several people will also be involved in assisting the grievor's presentation of his/her case, each with a slightly different point of view. Therefore, it is only by committing the basic facts to writing at an early stage that you can guarantee that all the necessary information will be properly presented at the final arbitration stage.

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You will want to find out:

- Employer contentions.
- Employer record of conduct: Warnings and/or other penalties for lateness, absenteeism, quantity and quality of work, etc.