

When should a steward consult a labour relations officer?

February 1, 2007

The Report: February / March 2007 vol.28 num.1

by JULIO TRUJILLO



Im proud to be a union steward. HSA has given me excellent training incontract interpretation, conducting safety inspections,even conflictresolution and leadership. I find that Im able to help my colleagueswith most of their workplace issues ... but recently Ive encountered asituation thats unwieldy and complex. When should I phone a labourrelations officer for help?



There are many questions that arise at the workplace that are very easy for stewards to handle without involving an HSA labour relations officer.

These range from simple overtime calculation issues, statutory holiday or vacation scheduling, to help in interpreting more complex language in the collective agreement.

Stewards are the core strength of our union. As stewards gain experience over time, so will their ability to deal with more and more issues.

However, there are certain issues that due to their complexity or potential impact on an individual,the chapter, or even HSA as a whole, require the involvement and additional expertise of a labour relations officer. Below youll find a list of common issues that require some consultation. This list is not meant to be all-inclusive.

If, as a steward, you are ever in doubt about how to proceed, want some clarification of a part of the collective agreement, or just want some advice on how to approach an upcoming meeting with the employer, we strongly encourage you to phone the HSA office and speak to either your LRO or, the intake officer, who can provide advice and answer questions of a general nature.

Discipline

Discipline can range from a verbal warning to termination. The stewards involvement in a disciplinary matter will usually begin with a members request to accompany her/him to an investigation or disciplinary meeting.

The employer can also request that a steward be present at such a meeting. It can ... and usually does ...

happen with very short notice. Don't panic!

Try to meet with the member beforehand to determine what they believe the meeting is about, and explain your role as the steward. Ask the member if there is anything happening in their life that could be affecting their work performance, such as medical concerns, relationship or family issues.

The steward's role at an investigation or discipline meeting is to be the member's advocate to ensure their collective agreement rights are upheld ... and to take copious notes. The employer must tell the employee the facts they are relying on during an investigation and a disciplinary meeting.

You should counsel the employee to listen. Stewards should ask questions only to clarify issues that may not be clear. Also, ask for copies of any documents used at the meeting.

This meeting is an opportunity for the member to explain their side of the story. The steward should not feel pressured to give an immediate response to the employer. They've had some time to formulate their decision. The employee being disciplined and the steward are also entitled to an adequate amount of time to respond.

In disciplinary matters, there are key factors to consider: Is some form of discipline warranted? Are there any mitigating factors to consider? If the answer is yes, what is the appropriate discipline in this circumstance?

Stewards should always contact the LRO about disciplinary matters ... before the initial meeting with the employer if you're unsure about how to proceed, and definitely before any kind of response is made to the employer. The more details and supporting documents the LRO has, the quicker you'll be able to deal effectively with the discipline.

Illness-related issues

This may include requests by an employer to send the member to a doctor of the employer's choosing, to assist a member with a return-to-work after an extended absence, and discuss concerns about members with health or addiction issues that are affecting their ability to work.

Often, these issues will require some extra resources. We at HSA have in-house expertise to help employees with graduated returns to work, accommodations, and problems with Workers Compensation claims or Long Term Disability issues. When you become aware that an employer is discussing these types of issues, or discussing use of sick leave time with an employee you should contact your LRO.

Extensions to a probationary period

HSA considers the time lines included in the collective agreements to assess the suitability of employees more than adequate. Any request for an extension of probation should be discussed with the LRO and will not usually be agreed to unless there are extenuating circumstances (e.g. lengthy absence by the employee during the probationary period.)

Bargaining unit jurisdiction

Issues related to whether a job belongs in HSA, is an excluded position, or is work done by a different bargaining unit (e.g. HEU or BCNU) are usually complex and require extensive consultation between the union head office, the employer and/or regional health authority and/or HEABC and/or another union. You should always phone your LRO when you become aware of those types of issues.

Issues affecting many employees

Typically, any large-scale initiative such as "reorganizations," schedule changes that affect earned days off (EDOs), significant employer policy changes (for example, sick leave policies) should trigger a phone call to the LRO.

Any other issue when you are not sure

We at the HSA office deal with the complexities of interpreting the collective agreements on a daily basis. Even so, we frequently run into new twists and wrinkles that we haven't seen before ... they challenge us too! Always err on the side of caution and give us a call. That's what we're here for. 

Type:

[The Report](#)

- [Print](#)
- [PDF](#)

180 East Columbia
New Westminster, BC V3L 0G7

Website
www.hsabc.org

Telephone 604-517-0994
1-800-663-2017