

# Steward's Rights Q&A

By law, when they're doing their work on behalf of the union, stewards enjoy certain legal rights that make them equals with management. Management cannot retaliate against stewards or discipline stewards for acting on behalf of the union.

**Question:**

Things get pretty heated during grievance meeting, and you get upset and call the foreman a liar. As it turns out, though, you were wrong. Can you be disciplined for your actions.

**Answer:**

No. Under the principle of equality, the steward, while acting in his or her official capacity as steward, has a right to accuse the foreman of lying – even if it turns out that he or she was wrong.

**Question:**

After a difficult and emotional grievance meeting with management, you receive a warning for your "extremely loud behavior." You shouted at the supervisor, no question about it. Can you be disciplined for raising your voice?

**Answer:**

No, shouting is a protected activity under the law. As long as your behavior doesn't interfere with production, there's nothing illegal about it.

**Question:**

During a grievance meeting, the foreman makes a number of ridiculous and unfounded statements. Infuriated, you call him a "jackass." Can management discipline you for what you said?

**Answer:**

No. Strong language during grievance meetings is protected. Attorney Robert Schwartz writes: "Salty language during grievance meetings, short of extreme profanity, is protected by the National Labor Relations Board. In one case, a steward called a supervisor 'a big twerp.' In another, the NLRB reinstated a steward who called his boss 'a stupid ass.' In a third case, the NLRB removed the written reprimand of a steward who told his supervisor, 'I don't give a f\*\*\* who you call.'"

**Question:**

You get involved in a heated grievance meeting with the boss. In the middle of it, she says, "This meeting is over. Go back to work!" You continue to argue with her for several minutes. Are you subject to a discipline for not immediately obeying her order?

**Answer:**

No. The law provides for a short "cooling off" period immediately following a grievance meeting. Protection may be lost, however, if the steward ignores repeated orders to return to work.

**Question:**

Your contract permits stewards a reasonable amount of working time to conduct union business. Last week, while you were investigating a grievance, your supervisor came over and ordered you to return to work. Can you refuse the order?

**Answer:**

No. The general rule is to "obey now, and grieve later." However, the NLRB has ruled in the steward's favor in cases where the supervisor is bent on preventing the steward from engaging in legitimate union business as long as it is permitted by contract or past practice, does not disrupt work of others, and is not an attempt to avoid work.



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**Question:**

The company is investigating drug use in the plant. Can a steward tell workers not to answer questions from the company?

**Answer:**

No. The union has the obligation to cooperate when management is conducting a legitimate investigation of misconduct. Instructing workers not to answer questions could lead to the steward being disciplined.

**Question:**

My boss attacked me, calling my grievances “nit-picking” and a “waste of time.” Is this allowed?

**Answer:**

Yes. Employers have the right to criticize union representatives. Only comments that reach the level of harassment, or contain threats, are illegal.

**Question:**

A supervisor frequently makes workers do work outside their job classification. As a steward, do you have a legal right to tell workers to refuse their assignments?

**Answer:**

No. The rule to follow is to “obey now; grieve later.” Just be sure to keep good notes about the who, what, when, where and how of each incident so you can support your grievance.

**Question:**

Two days after you file a group of grievances your supervisor warns you about “substandard work.” The quality of your work hasn’t changed, and it’s clearly retaliation for the grievances. Can you file Labor Board Charges?

**Answer:**

Definitely. The timing of the reprimand strongly suggests that your employer’s motivation was retaliation for your union work, rather than having something to do with your performance as a worker.

**Question:**

You have been encouraging workers to file grievances against supervisors who perform bargaining unit work. A supervisor tells you, “If I find out that you’re soliciting grievances against me, it’ll mean your job.” Is that legal?

**Answer:**

No. There is no prohibition against “soliciting grievances.” In fact, your right to solicit grievances is protected by federal law. In this case, you were threatened for carrying out a protected activity, and you can file a grievance and Unfair Labor Practice charge.

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