

## Guide to Investigatory Meetings

Every disciplinary situation is different. Below you'll find some basic guidelines. Although not appropriate in every case, often union advocates don't ask enough questions of management in these meetings and don't request information which would help the union member's case. Common requests are: a copy of the employee's file, an explanation of the basis of the discipline, a copy of the policy the employer asserts the employee violated, etc.

Further union advocates sometimes overlook important opportunities for bargaining a resolution both parties can live in the actual disciplinary meeting. This saves the time and cost of going through the grievance procedure and striking while the issue is fresh sometimes avoids the problem of an employer getting entrenched in a certain position that you are unlikely to sway them from later. Consider the pros and cons to exercising these rights during the next disciplinary meeting you attend.

### Stewards Rights

Employers sometimes assert that the only function of a steward at an investigatory interview is to observe the discussion; in other words, to be a silent witness. This is incorrect. The steward must be allowed to advise and assist the employee in presenting the facts. When the steward arrives at the meeting;

- The supervisor or manager must inform the steward of the subject matter of the interview; in other words, the type of misconduct being investigated.
- The steward must be allowed to have a private meeting with the employee before questioning begins.
- The steward can speak during the interview, but cannot insist that the interview be ended.
- The steward can object to a confusing question and can request that the question be clarified so that the employee understands what is being asked.
- The steward can advise the employee not to answer questions that are abusive, misleading, badgering, or harassing.
- When the question ends, the steward can provide information to justify the employee's conduct.
- Serve as a witness to prevent a supervisor from giving false account of conversation;
- Object to intimidation tactics or confusing questions;
- Help an employee to avoid making fatal admissions;
- Advise an employee, when appropriate, against denying everything, thereby giving the appearance of guilt;
- Warn an employee against losing his or her temper;
- Discourage an employee from informing on others and
- Raise extenuating factors.

## **GET THE FACTS: REMEMBER THE 5 W'S**

### **WHO**

--is involved? Name(s) of the grievant(s), Department, shift, job classification, seniority, etc. Are they on probation? Have they been disciplined before? or has a similar grievance been filed on this same issue? Who is the supervisor? Who are any witnesses?

### **WHEN**

--did the incident or condition occur? Give dates and times as accurately as accurately as possible.

### **WHERE**

--did the grievance take place? Give the exact location, department, area, etc.

### **WHAT**

--is the grievant's story? Management's position? the reports of witnesses? Are there any records that might help support your case? Collect all the facts you can, always looking for the hard facts, but accepting and weighing "less convincing evidence" and different versions.

These facts should be collected and put in writing as soon as possible? People forget!

### **WHY**

--is this a grievance? Has the contract been violated? What about violations of past practice, the law, or health and safety rules. Is the issue one of unjust action or application of company rules, contract interpretation, etc.

### **HOW**

--should the grievance be settled? What adjustments are necessary to correct the injustice? You want to return the aggrieved worker to the same condition he/she would have been in, had the violation not occurred.

# Investigation

There are many ways to investigate and handle workplace problems. Good investigation can be the key to winning a grievance or solving the problem.

## Listen...

Workers will come to you with a variety of problems. When they do, you need to:

- ◆ Set aside a time, either right at that moment, after shift, or another agreeable time, to talk to them
- ◆ Begin by asking an open-ended question like, "So, tell me what happened." or "What seems to be the problem?"
- ◆ *Ask questions* to make sure you get as much relevant information from the worker as possible.

## Questions to Ask

- WHO:** Names of worker(s) involved, names of witnesses, names of management
- WHERE:** The location, department, job site, etc of the problem/incident
- WHEN:** The time and date of the incident OR the time when the grievant found out about it
- WHY:** The section of the Contract, the past practice, the law, the management rule and/or the management responsibility that has been broken or violated
- WHAT:** What happened- use the above four W's to put this together
- and...
- HOW:** How can management "make the grievant whole"? What is the remedy or solution to the problem?

## Sources of Information

- |   |  |
|---|--|
| 1) The Grievant   | 7) Management Involved in the Grievance/Problem                                    |
| 2) Other Workers  | 8) Management Memos  |
| 3) Witnesses  | 9) Management's Time Sheets, Medical Records, etc..                                |
| 4) Other Union Stewards, Union officials  | 10) The Contract   |
| 5) Past Grievance Files   | 11) Laws (Federal Employee's Compensation Act, Family and Medical Leave Act, etc.) |
| 6) Manuals and Employer Policy Books (Employment and Labor Relations Manual, Management of Delivery Services, City Delivery Carriers Duties and Responsibilities) | 12) Others: (be creative) _____  |