

When your rights are violated

These special legal protections for stewards come from the **National Labor Relations Act** (or, if you work in the public sector, from state-level public sector labor law).

For example, retaliating against a steward for filing a grievance would violate Sections 8(a)(1) and 8(a)(3) of the NLRA.

Therefore, violations of the special protections of stewards can be the basis of **Unfair Labor Practice** complaints against the employer. Similar "ULP" rights and procedures exist for public sector workers.

Remember that you must be able to **prove your charge**. For example, in a complaint involving the "No Reprisal" Rule, you have to prove that the supervisor's actions were **because of union activity**.

In many cases, violations of stewards' special protections are violations of the collective bargaining agreement, so **grievances** can and should be filed as well.

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610 Langdon Street, Room 422
 Madison, WI 53703
 (608) 262-2112

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Legal Protections for Union Stewards



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 Education for a Democratic Workplace

INTERNET FORM NLRB-501 (2-08)		UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER		Case
INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurs				
1. EMPLOYER AGAINST WHOM CHARGE IS B				
a. Name of Employer				
d. Address (Street, city, state, and ZIP code)		e. Employer Representative		
i. Type of Establishment (factory, mine, wholesaler, etc.)		j. Identify principal product or ser		

EQUALITY RULE

According to the Equality Rule, the union steward is **management's equal** when acting in their capacity as union steward.

When acting as a steward, you are stepping out of your role as a regular employee and stepping into a position of equality with management personnel. This allows you to **say what you need to say** in order to defend employees and the contract.

As labor attorney Robert M. Schwartz said in his book, *The Legal Rights of Union Stewards*, "Vigorous advocacy and other behavior which would otherwise warrant discipline **must be tolerated.**"

You can openly **disagree** with management and **argue** with them. You can **question** their authority, ask questions, and make **demands**.

However, it is important to remember that this protection **only applies** when you are performing representational activities in your official capacity as a steward – such as conducting a grievance investigation, or meeting with management to resolve another employee's problem. When you are discussing **your own work** in your capacity as an individual employee, the supervisor-subordinate relationship prevails.

TIP: Start conversations by saying, "Just so you know, I'm coming to you as a union steward right now."

SAME STANDARDS RULE

According to the Same Standards Rule, management **cannot hold you to a higher standard** than other employees because of your status as a union steward.

They cannot say something like "You're a union steward, so you should know better."

Management **cannot expect more work** from you, and **cannot expect you to set an example** for other workers.

Of course, stewards should always try to lead by example, but it should be on their own initiative; management cannot require it.

"NO REPRISAL" RULE

According to the "No Reprisal" Rule, management **may not discipline you**, or **even threaten** to discipline you, for your appropriate conduct as a union steward.

Simply put, they cannot take negative actions against you in **retaliation** for your being a steward, or for the way you carry out your duties as a steward.

They cannot deny overtime, promotions, seniority rights, or any other entitlement because of the fact that you are a steward. They also cannot single you out for the most undesirable jobs, or supervise you more closely than other workers solely because of your position or activities as a steward.

OK or NOT OK?



In the middle of a grievance meeting, the supervisor says to you, "You're a liar! Elizabeth didn't want the overtime shift!"

You look back across the table and say, "I just spoke to Elizabeth and two witnesses who say you never offered her the overtime shift. Now who's the liar?" *Answer: OK. See "Equality Rule."*

You're a pretty good employee, but for the last couple months, you've had some issues and missed three days of work. Your supervisor sits you down, and much to your surprise, issues you a written warning.

"Normally the initial three occurrences result in a verbal warning," he says. "But you're a steward, so you should know better than to do this." *Answer: Not OK. See "Same Standards Rule."*

Your supervisor says, "We've got a problem. Ever since you became a steward, the number of grievances has increased thirty percent. What this says to me is that you're spending too much time on union stuff and not enough time doing the job we pay you to do. You need to check yourself, or maybe even consider giving up being a steward, or things could get pretty bad for you." *Answer: Not OK. See "No Reprisal Rule."*