



TEAMSTERS  
CANADA RAIL  
CONFERENCE

Local Chair Training  
Program



*"Education provides the path to knowledge;  
knowledge creates the steps to progress"*



Opening – this quote is bottom of president's message



## TEAMSTERS CANADA RAIL CONFERENCE

### Education Programs

#### Opening

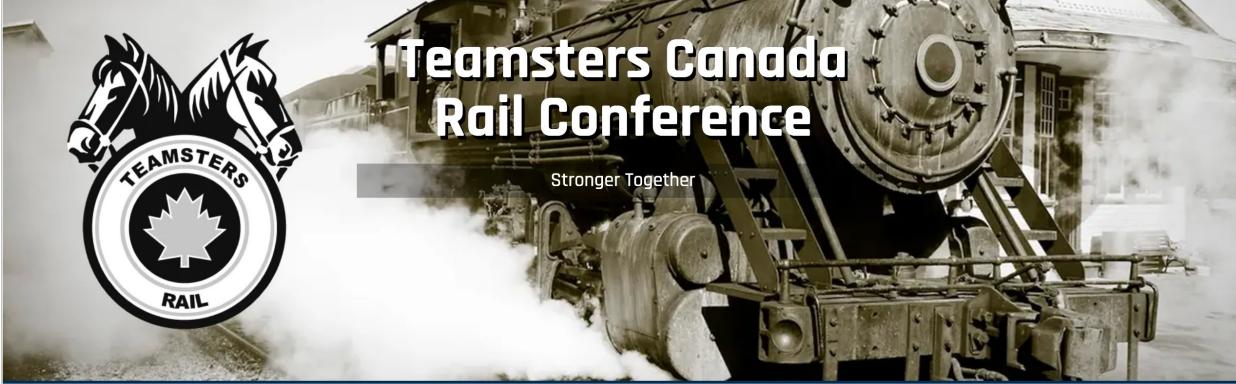
Promote online presence in next 4 slides before continuing at page 3 of workbook.

📞 (613) 235 1828

 TEAMSTERS  
TCRC - CFTC

Inquires English Member Login

TCRC News & Events Negotiations Legislative Agreements Photo Gallery Additional Resources All Menus



[www.teamsterrail.ca](http://www.teamsterrail.ca)

New website as of December 2023

## TCRC Mobile App

Stay informed with the TCRC free mobile app.

### Features:

- Collective Bargaining Updates
- Legislative Updates
- View Your Contracts
- Contact Local Representatives
- Event Notifications

Scan the code or [click here](#) to download the app

The TCRC Mobile App is the best way for members to stay connected on the go!



TCRC App launched December 2023. Every participant will also have cards with the URL code to take back to the Division.

This is the best way to stay informed. Ask every Officer to promote the app in their Division.



## Teamsters Rail

Teamsters Rail

teamstersrail Threads.net

Canadian railway workers have chosen us because they know that we have the necessary resources and know-how to ensure high quality representation.

138 followers · teamstersrail.ca



Important – TCRC APP! Not part of manual because recent addition.



362 1,046 32  
Posts Followers Following

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Labor Union

Canadian railway workers have chosen us because they know that we have the necessary... more  
130 Albert Street Suite 1510, Ottawa, Ontario

🔗 www.teamstersrail.ca



Follow

Rail Conference

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The Teamsters represent 125,000 Canadians, over 16,000 of those members work in the rail industry and are represented by the Teamsters Canada Rail Conference.

📍 Canada

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## SOCIAL MEDIA - TEAMSTERS RAIL

- Facebook : <https://www.facebook.com/TeamstersRail>

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Teamsters Canada

Labor Union

- ◆ Building up Canada every day  
#canlab
- ◆ Bâtir le Canada au... more

See Translation

[teamsters.ca](http://teamsters.ca)



TeamstersCanada

TeamstersCanada182 subscribers133 video

Teamsters Canada is a Canadian  
Trade Union representing over 125,000



Teamsters Canada [•](#)



Teamsters Canada

@TeamstersCanada

The union building up Canada

#canlab // Le syndicat qui bâtit le

Canada #Syndic #Syndcan

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## SOCIAL MEDIA - TEAMSTERS CANADA

- Facebook :  
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- YouTube :  
<https://www.youtube.com/channel/UC8FHp8IFGbNhT9wX2lGtJbA>



**North American Railway Foundation®**

*...founded by the BRCF*



Also place for BRCF to speak and promote

## FIND YOUR WORKSHEET

Complete the worksheet on your own and be prepared to share your answers with others in a few minutes.

Turn your camera OFF now, and then back ON once you are done your worksheet, so that I know you are ready to proceed



### Introducing Yourself

Meet up with the other members of your group and discuss the following questions. Be prepared to share your name + role as well one of your responses to question #5 when you return to the main room

1. What is your work experience?

---

---

2. For how long have you been a Local Chair or a Legislative Representative?

---

3. How many employees do you represent at the Division level?

---

4. What prompted you to hold that position?

---

---

5. What do you hope to learn during this training course?

---

---



Introductions page 4



**INSTRUCTOR - STOP sharing your slides**

## OBJECTIVES

1. Build skills and confidence
2. Know our history and structure
3. Define roles and responsibilities
4. Handle disputes
5. Learn investigation and representation skills
6. Understand grievances
7. Handle grievances
8. Draft grievances
9. Understand arbitration
10. Overview of labour laws



Objectives page 5

Sometimes, our members don't know (or forget) the importance of being unionized, particularly in the 21<sup>st</sup> century, when the economy and globalization are constantly challenging our working conditions.

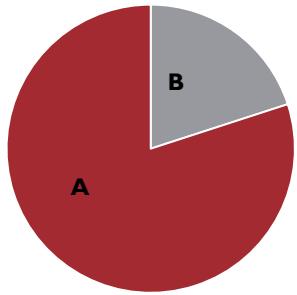
For this reason, it is our role to educate and inform our co-workers about our union structure and history, in order for them to better understand the struggles our leaders went through, and the reasons why we still need to be united to maintain and improve our life and working conditions.



Start of Section I - History and Structure



**INSTRUCTOR - STOP sharing your slides**



**Question #1**

Label this chart by filling in the blanks.

A: \_\_\_\_\_ B: \_\_\_\_\_

- Management Rights, Union Rights
- Labour Law, Union Rights
- Management Rights, Labour Laws
- Labour Laws, Management Rights



Without a Union/With a Union

Correct answer is:

**Management Rights, Labour Laws**

Top Up to include:

Without a Union, the employer has few limitations on how to treat employees and

organize work. A non-unionized employee is only protected by the minimum standards of the relevant labour laws. If there is a violation of a section of the labour law, or any regulation, the employee has a choice to act alone or to hire his

own lawyer to defend himself against his employer. Employers sometimes abuse

their power or ignore the Labour Standards including Health and Safety Regulations, knowing that it takes a lot of courage and money for a non unionized

employee to file a complaint against them and to be successful. When faced



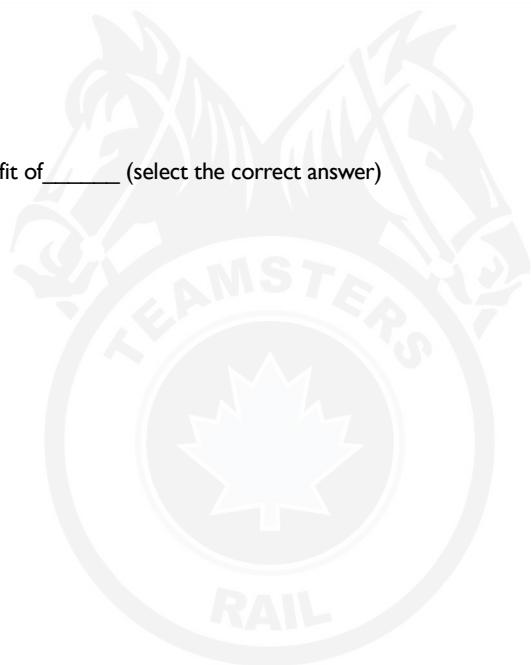
with

such an employer, nonunionized workers often quit that job and simply move on.

**Question #2**

Non-unionized workplaces do not have the benefit of \_\_\_\_\_ (select the correct answer)

- Health and Safety Regulations
- The grievance procedure
- Labour Standards



Without a Union/With a Union

Correct answer is:

**The grievance procedure**

Top Up to include:

Even non-unionized workplaces have labour laws and regulations in place, however they do not have the grievance procedure for issues that lie outside these laws



### Question #3

The terms and conditions of employment become part of the Collective Agreement by:

- Negotiation by the Union and by vote of the Union membership
- Drafting by the Employer and by vote of the Union Bargaining Agent
- Drafting by the Union and by vote of the Employer representatives
- Drafting according to Provincial and Federal Labour Codes

Without a Union/With a Union

Correct answer is:

**Negotiation by the Union and by vote of the Union membership**

Top Up to include:

In certain situations, an arbitrator may decide on the terms of a Collective Agreement, in whole or in part. However, it is usually the result of a negotiation between the parties. The rights and obligations of the employees and the Employer are therefore provided under the original and exclusive agreement. It is through the Collective Agreement that employees dictate the limits of management rights, thus the importance of maintaining solidarity amongst members, in order to have the edge on the Employer during negotiations. It may happen that one party or the other does not respect the Collective Agreement or any Labour Laws. Then, the aggrieved party may resort to the grievance procedure.



#### Question #4

Even in a unionized environment, an employer has the right to introduce workplace policies. If they do so, what are some of the conditions the rule must satisfy? (select all that apply)

- Must be consistent with the collective agreement and any applicable law
- It must be reasonable
- It must be clear and unequivocal
- It must be agreed to by the Union

Without a Union/With a Union

Correct answer is:

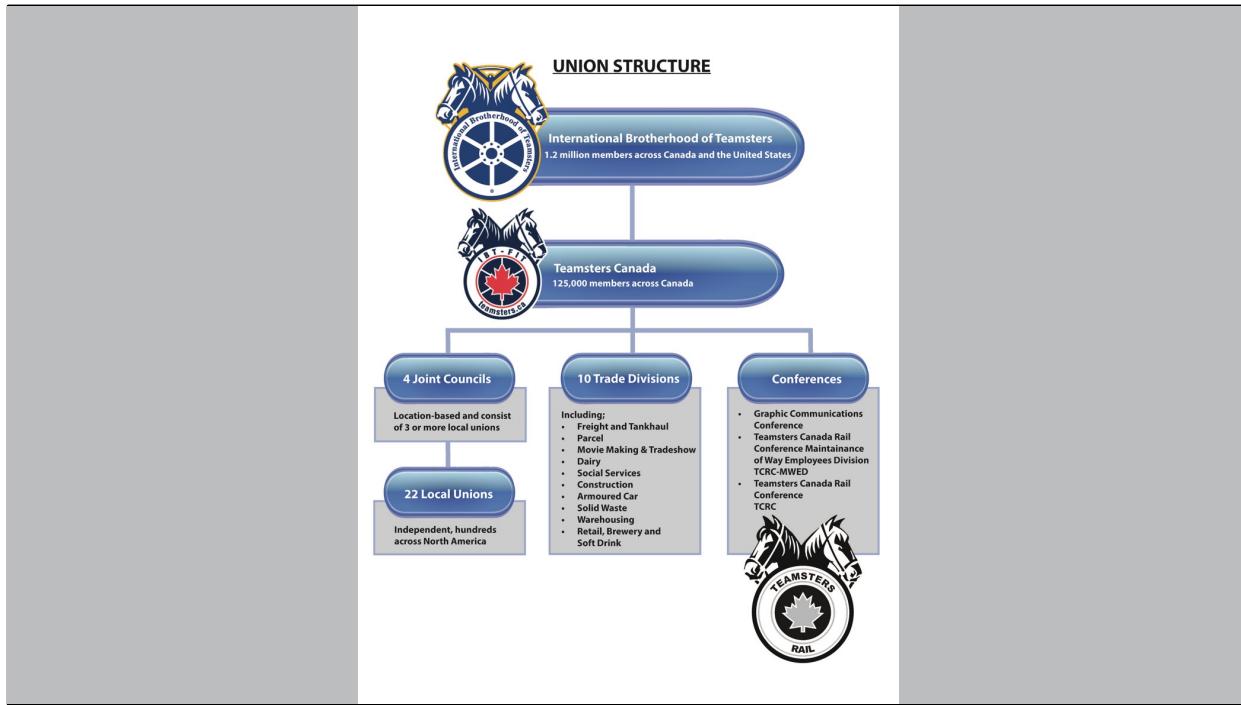
**Last one is not correct**

Top Up to include:

There is a long-standing case that outlines the governing jurisprudence with respect to the introduction of an employers' policy. - Refer to the workbook for additional details.

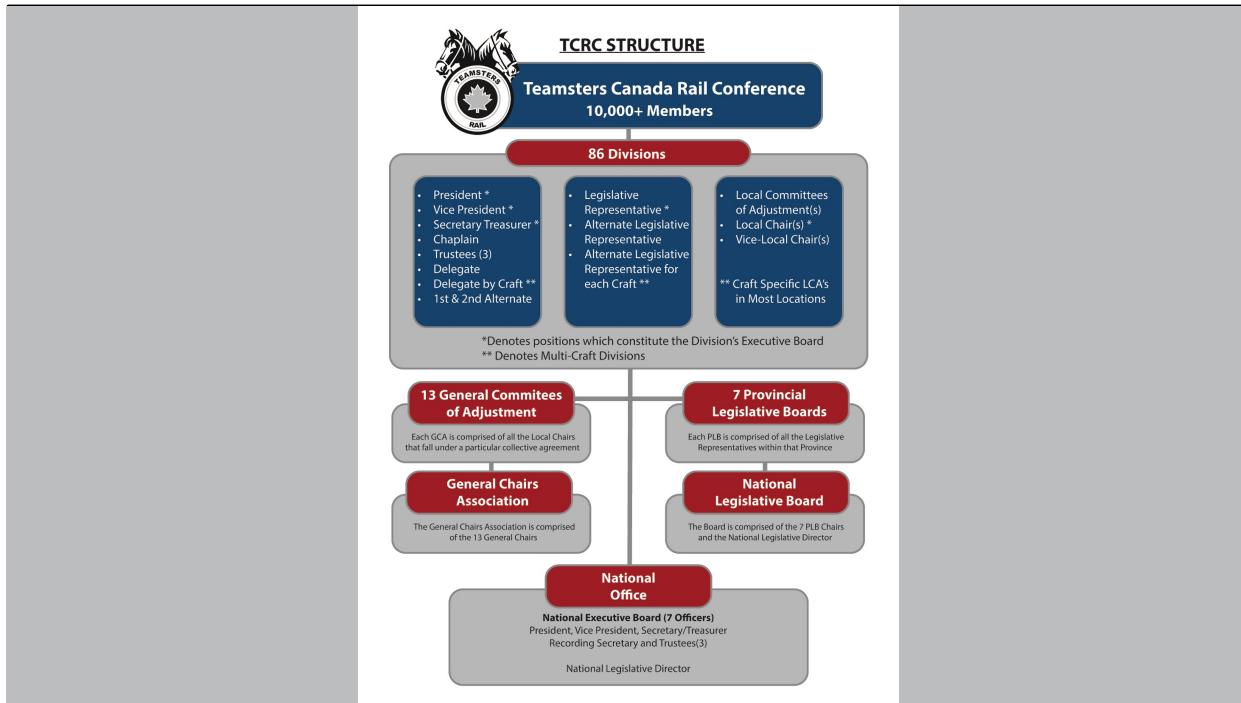


**INSTRUCTOR - STOP sharing your slides**



Page 14 of Learner Workbook (22 of pdf)

IBT and Teamsters Canada. Explain the differences between TC Locals and our Divisions. We kept our old structure (BLE) when we merged with Teamsters Canada, so in order to establish Divisions a Conference was required. Under IBT rules our Conference has the same rights a TC Local



Page 15 of Learner Workbook (23 of pdf)

Explain and question whether there is understanding between GCAs and National Office. Roles and responsibilities (primarily CA issues with GCAs).

*In the past, a distinct separation has existed between the legislative and protective elements of our union(s). This has hindered the effective representation of our members.*

*As a result, one of the goals we have is to eliminate this division by reinforcing the importance of the various division officers working as a team to benefit our members.*

*Learning each others' roles and responsibilities is an important part of this process. This section deals with the roles and responsibilities of the local chairs, remembering the same principles apply to all Division Officers.*

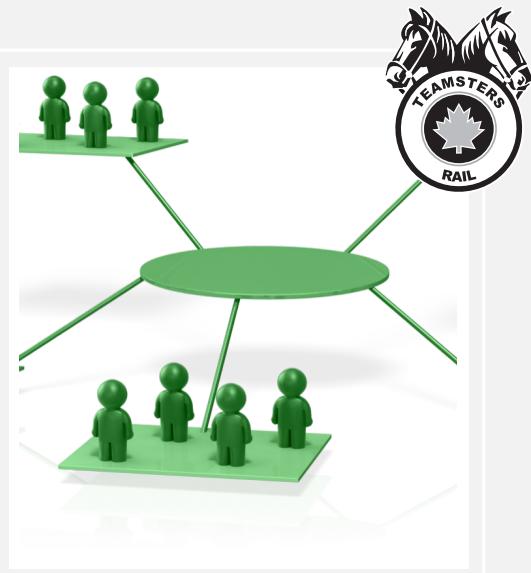
*This will ensure that Local Chairs will have a better understanding of how to work together, with Division Officers to help our members receive the assistance they require.*



## Start of Section II - Roles and Responsibilities

1-You are the new Division Officer, and you want to build up solidarity within the membership of your Division.

What do you do?



Working Better With the Members

Question #1



**INSTRUCTOR - STOP sharing your slides**

2 - A member comes to you with a complaint. After investigation, you decide based on precedent cases and the Collective Agreement, that it is not a valid grievance. He insists to file a grievance.

What do you do?

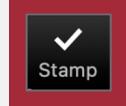


## Working Better With the Members

### Question #2

3 - A member worked overtime but gets paid at regular rate. He is entitled to file a grievance but refuses to do so.

What do you do?



- Move on - you have lots on your plate already.
- Find another member with the same issue and have him/her file a grievance.
- File the grievance yourself.

**Any additional ideas?**

## Working Better With the Members

### Question #3

4 - The employer introduces a new policy. A small group of employees come to you to complain.

What do you do?



- Tell the employer to change the policy immediately.
- File a grievance.
- Discuss the issues with the members and employer representatives.

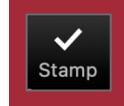
**Any additional thoughts?**

## Working Better With the Members

### Question #4

5 - The employer introduces changes in clear violation of the collective agreement. After investigation, you realize that the majority of the membership agrees with the violation and don't want to file a grievance.

What do you do?



Let it go.

File a grievance.

Ask the General Chairman for help/advice



**Any additional thoughts?**

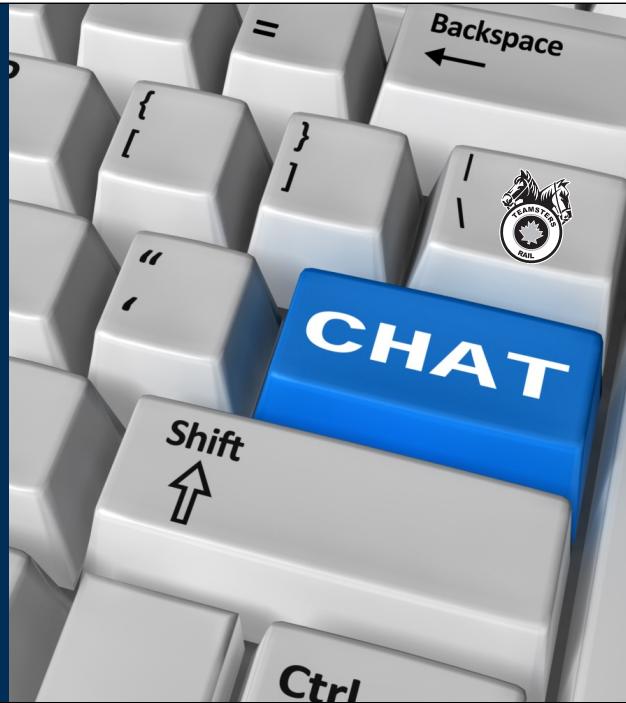
## Working Better With the Members

### Question #5

6 - A member approaches you with information that he injured his back while at work 10 days previously.

The local manager convinced him to not report the injury to workers compensation. The member had seen a doctor, but did not disclose the ailment was work related. The members' back continues to hurt him and he doesn't know what to do.

What do you do?



## Working Better With the Members

### Question #6

7 - Young employees are hired by the company.

What do you do?



## Working Better With the Members

### Question #7

## FIND YOUR WORKSHEET

Complete the worksheet on your own and be prepared to share your answers in a few minutes.

Turn your camera OFF now, and then back ON once you are done your worksheet, so that I know you are ready to proceed

## The Local Chair and Vice-Local Chair Representative



What are the roles and responsibilities of the Local Chair? The Vice-Local Chair? Are they the same or different? List as many as you can think of in the space provided below.



## Local Chair and Vice-Local Chair Representative

## THE LOCAL CHAIR AND VICE-CHAIR ROLES AND RESPONSIBILITIES



Local Chair and Vice-Local Chair Representative



## **Video - TBD**



TBD – placeholder. Video “Day in the Life” not currently available.



## **The Duty of Fair Representation**

Duty of Fair Rep - pages 28-29

Pull this up before you need it and have it open in the background:

<https://youtu.be/DGr504hIYhw>



A union cannot act in a manner that is:

### SECTION 37

- Arbitrary
- Discriminatory
- In bad faith

Duty of Fair Rep - pages 28-29



DOES NOT APPLY OUTSIDE  
OF A COLLECTIVE  
AGREEMENT

- WBIB claims
- Agreements under special Acts
- Internal Union politics
- Taking grievances up on judicial review
- Negotiation of Back-to-Work Protocols

Duty of Fair Rep - pages 28-29



AN ARBITRARY DECISION  
IS...

- A random decision
- A decision not based on any general rule
- A decision based on whim with little regard for the facts

Duty of Fair Rep - pages 28-29



A DISCRIMINATORY  
MANNER IS...

- A decision that singles a person out and treats them unfairly on the basis of an irrelevant characteristic or ground
- A decision based upon invidious distinction without labour relations rationale

Duty of Fair Rep - pages 28-29



BAD FAITH IS...

- Akin to acting with malice, ill will or dishonesty
- Serious negligence
- A total lack of representation

Duty of Fair Rep - pages 28-29

## A GRIEVOR'S STORY



I was walking over by track #11, and at the piggyback ramp there were two Trainmasters, Jim and Geoff. Jim was operating the locomotive, and Geoff was giving signals spotting the special car.

I yelled over at Geoff that he wasn't supposed to be doing bargaining unit work. He said "The yard crew is busy doing other work and the car has to be unloaded by 3 p.m., so mind your own business!". I yelled at him that he was always causing these kinds of problems, and that the yard crew would be back at 2:30 p.m. I told him the loaded car had been sitting around for four days, and I pointed at the other yard engine moving in our direction over Geoff's head.

Jim, who had climbed off the locomotive, pushed me and said "Don't you try to hit him!". I didn't say anything, and they went to see the Superintendent. Now I'm faced with a formal investigation for taking a swing at a supervisor.

### Getting Your Facts Straight pages 30-31

The purpose of this exercise is to illustrate the distortions in communicating information from the original source, through several individuals, to the final destination. This exercise also demonstrates the importance of local chairpersons properly investigating rumours and getting the facts straight.

The instructor will ask 6 participants to relay the message. Five of the 6 participants are asked to step outside the room.

The rest of the participants should then read the scenario. When the story is being transmitted, all other participants will be recording any additions, deletions and distortions of the message. The one selected participant still in the room has 2 or 3 minutes to learn the message.

The instructor brings a second participant back into the room from outside and the 1<sup>st</sup> participant relays the message to this 2<sup>nd</sup> participant, who in turn must repeat out loud to the group what she/he has learned from the 1<sup>st</sup> participant's message. It is important that each participant transmit the message in her/his own way, without

the help of other participants, the observers or the message in front of them.

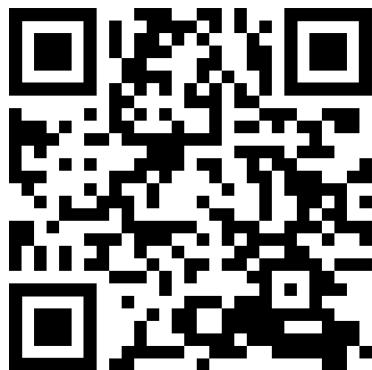
Repeat the process until all of the selected participants have individually had the message transmitted to them.

The instructor will then lead a short discussion with the class on the implication of the exercise. What did the class observe? How should a union representative have handled receiving a message? Did they write the message down? Did they use any of the 6 W's?



## LISTENING

How to Better Listen to our Members pages 32-35



## 10 Rules for Effective Communication

<https://youtu.be/R1vskiVDwl4>



ACTIVE  
LISTENING

Empathy

Respect

Authenticity

Trust

How to Better Listen to our Members pages 32-35



## SPEAKING WITH MEMBERS

Initial contact

Listening

Respecting members

Raising awareness

Taking the time

How to Better Listen to our Members pages 32-35



**INSTRUCTOR - STOP sharing your slides**

*As a division officer it is mandatory to learn how to handle a dispute, and determine whether it is a complaint or a grievance.*



Start of Section III - How to Handle a Dispute?

## FIND YOUR WORKSHEET

Complete the worksheet on your own and be prepared to share your answers with others in a few minutes.

Turn your camera OFF now, and then back ON once you are done your worksheet, so that I know you are ready to proceed

### Your Grievance Procedure

1. Have you ever filed a grievance?

---

---

2. In what section(s) of your Collective Agreement is the grievance procedure?

---

---

---

---

3. What are your roles regarding your grievance procedure?

---

---

---

---



Your Grievance Procedure page 40



**INSTRUCTOR - STOP sharing your slides**

**How to Handle a Dispute**

**1 The Union Inquiry**  
The member presents a situation that he wants assistance with:  
• You investigate, listen to the member, get the facts, and take notes.  
• Define the remedy sought.  
• If it is a matter of disciplinary measure, you prepare the member for the upcoming statement.

**2 The Statement (employer formal investigation)**  
(if applicable)

**3 The Analysis**  
Determine if there are grounds for a grievance or a complaint based on the facts, the collective agreement, and the Labour Laws. You should also analyze the situation to:  
• determine the causes of the problem;  
• find a solution;  
• determine the time limits to file a grievance if you have to do so;  
• if there are no grounds to file a grievance, explain the reason why to the member. If they continue to do so, file a grievance.

**4 The First Approach**  
If you can resolve the problem with the member and the supervisor, do so.

**5 Drafting a Grievance Letter**  
If there is no settlement and there are grounds to file a grievance, file it within the time limits provided for within your collective agreement. (Obtain time limit extension if necessary)

**6 The Settlement**  
Be prepared to discuss the matter with the company and be prepared for a declination from the company or no response at all. Keep notes of every discussion.

**7 Transfer the file to the General Chair**  
Advance to the next step of your grievance procedure, which is normally to transfer the complete file to the General Chair level. Keep a copy for yourself. Explain to the General Chair the merit of the case and the employer's point of view. Be prepared to provide additional information to the General Chair upon request.

**8 Settlement of Disputes Without a Work Stoppage**  
Final and Binding Arbitration



## How to Handle a Dispute page 41



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## THE UNION INQUIRY: A FACT-FINDING MISSION

Whether we are dealing with a complaint or a grievance, the union inquiry is crucial and will proceed the same way. We have seen how important it is to listen to the members, understand their concerns and try to correct problems, in order to establish our credibility to the employer and the membership and to build a strong Union.

A member may contact you in a variety of ways to discuss a matter with you. You may also find out about a situation through another member, or you may witness the cause of a grievance yourself. Regardless, you need to listen to the member (or a group of members), and it is best to meet face to face.

The search for facts by the Union Representative is called a Union inquiry. It must be taken seriously, since a poorly done, inquiry can mean losing a legitimate case. For example, a lack of information, or incorrect information about a past discipline record would result in the Local Chair or General Chair to be unprepared when discussing a grievance with the employer and could be major reason why a discipline grievance is unsuccessful.

Establish the facts. Write them down, always! Keep notes of all conversations, or observations. Consider using a Union inquiry report and a witness deposition. Start a file, keep records.

If it is a very serious situation, you should immediately consult with the General Chair and work closely together throughout the entire situation. Depending on the seriousness of the situation, the General Chair may utilize legal counsel for initial advice.

The Union Inquiry: A Fact-Finding Mission pages 43-45

I - WHO

Who is the member involved?

---

Are there any witnesses involved? (customer, employee)

---

Who is the manager involved?



The Union Inquiry: A Fact-Finding Mission pages 43-45

## 2 - WHAT

What happened?



Is there a specific clause, practice, regulation or law that applies?

What is the monetary claim, if any?

What are the relevant time limits? (Do you need an extension?)

The Union Inquiry: A Fact-Finding Mission pages 43-45

3 - WHEN

When did it happen?  
(time, date, year)

When did it become a  
dispute?

When did the employer  
issue the discipline?

When are you going to  
become involved?



The Union Inquiry: A Fact-Finding Mission pages 43-45

4 - WHERE

Where did the event or  
the cause of the  
grievance happen?

Jurisdiction (Yard, Road,  
Bunkhouse, a siding)



Where was the griever  
situated (the witness, if  
any), at the relevant time?

The Union Inquiry: A Fact-Finding Mission pages 43-45

5 - WHY

Why is this  
considered to be a  
grievance?



Why did the  
problem occur?  
(What was the cause  
of the problem?)

The Union Inquiry: A Fact-Finding Mission pages 43-45

## 6 - WANT

Is there something that the grievance is supposed to obtain

---

Does the griever want something?

---

Does the Union want something?

---

Does the Employer want something?



The Union Inquiry: A Fact-Finding Mission pages 43-45

## 7 - DOCUMENTATION

Copy of the contract clause, regulation, policy, or law involved.

Copy of the disputed claim.

Copy of the past record (discipline, demerits, etc.).

Copy of medical files (if necessary, possibly written authority from grievor)

Copies of reports, seniority list, etc.

Pictures or schematics of the event or location.

Company evidence (if any) such as formal statements, memos, taped conversations, Q-Tron downloads, video, etc.



The Union Inquiry: A Fact-Finding Mission pages 43-45



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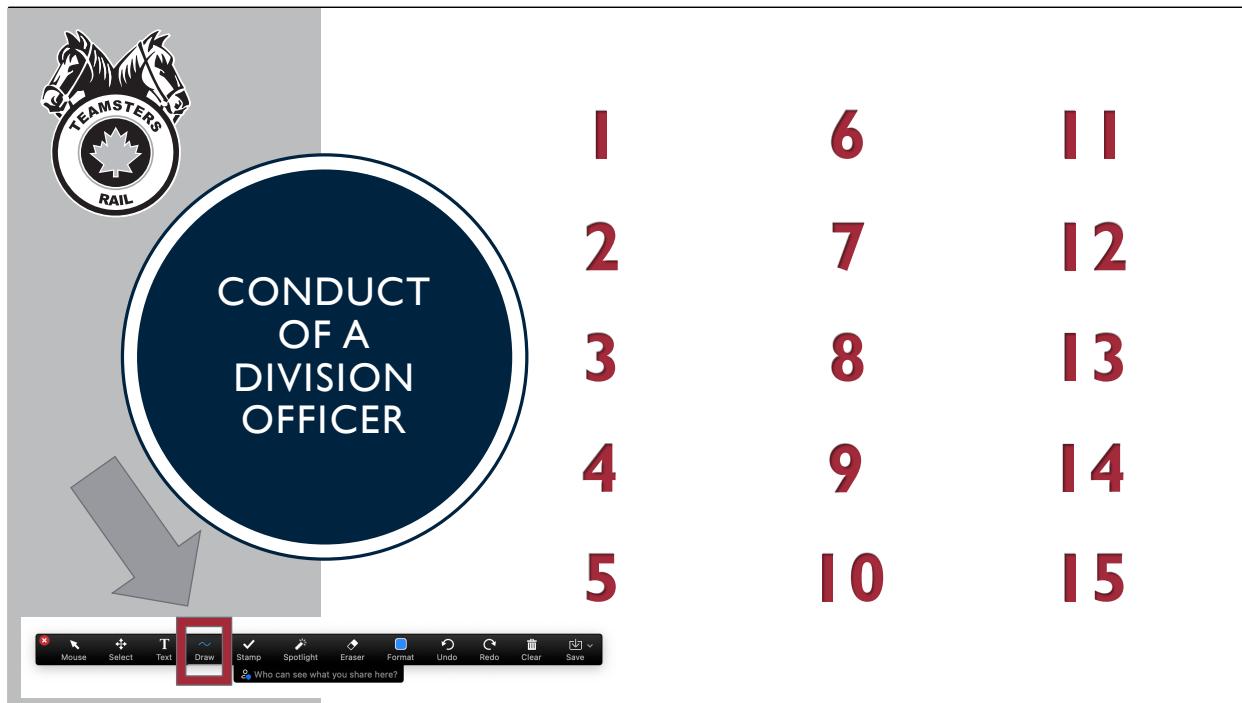
## **Video - TBD**



TBD - placeholder

Conduct of the Division Officer.

No Video Currently



Conduct of a Division Officer pages 50-51



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### Steps of the Statement

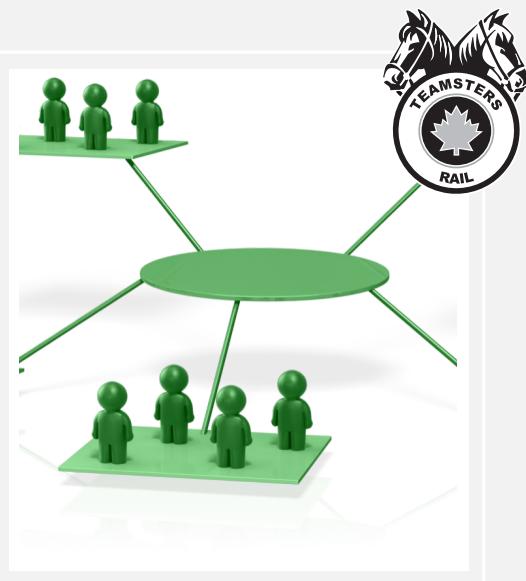
Work with the other members of your group to complete this worksheet, using the information from the pages that follows

1. Read the following statement. With the number attached to each question, identify the different steps of a statement:

- a) opening questions: \_\_\_\_\_
- b) introduction of evidence: \_\_\_\_\_
- c) main questions: \_\_\_\_\_
- d) members last chance to comment: \_\_\_\_\_
- e) closing questions: \_\_\_\_\_

2. Identify the questions to which the union representative should have objected and explain why.

Question #	Objection
5	Missing evidence.



### Steps of the Statement pages 55-61



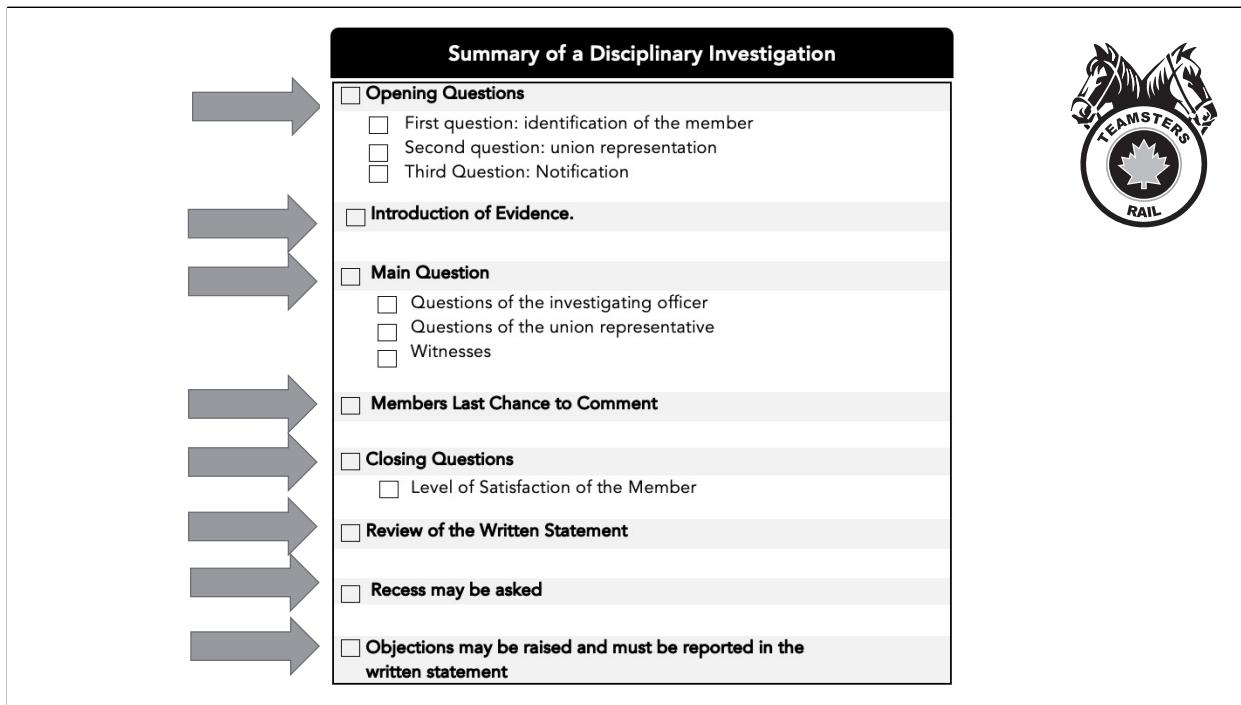
**INSTRUCTOR - STOP sharing your slides**

Almost every TCRC collective agreement states that no employee shall be disciplined or discharged until a fair and impartial investigation or hearing has been conducted and responsibility established.

Formal investigations, or statements as they are commonly called, are the first step of the investigation and discipline process. They represent the evidence that the company most heavily relies upon when assessing discipline and when they are defending their actions throughout the grievance procedure and also at arbitration.



Disciplinary Investigation page 62



Disciplinary Investigation page 62



The collective agreement defines rules to be followed by the company in order to respect the member's right to a fair and impartial investigation.

All employees are entitled to these essential rights when subject to a disciplinary investigation.

Disciplinary Investigation page 63



EVERY  
EMPLOYEE  
HAS THE  
RIGHT  
TO...

- adequate notice of details of the charges against them (Ad hoc 521, CROA 3322);
- enough time to be prepared for the investigation hearing;
- rebut witness statements made against them;
- access material, statements and documents pertinent to the outcome of the investigation (CROA 1734) at the beginning

Disciplinary Investigation page 63



- ask for a witness (CROA 2920, 2934);
- union representation during the investigation of a witness
- state their case during the investigation;
- an impartial/unbiased investigation officer (Ad hoc 548, CROA 3061,3167);

Disciplinary Investigation page 63

EVERY  
EMPLOYEE  
HAS THE  
RIGHT  
TO...

- object to any illegal questions asked, such as;
  - leading questions;
  - unfair or self-incriminating questions; (CROA 2934, 1420)
  - investigator is stalling or pressuring;
  - investigator going off from subject matter;
  - previously asked questions;
  - investigator is overlooking or avoiding a line of questioning;
- recess, if necessary, during the investigation;
- a timely hearing without undue delay;
- copy of the written statement at the end of the investigation.

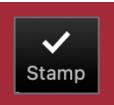


Disciplinary Investigation page 63



**INSTRUCTOR - STOP sharing your slides**

## Preparing the member for an investigation

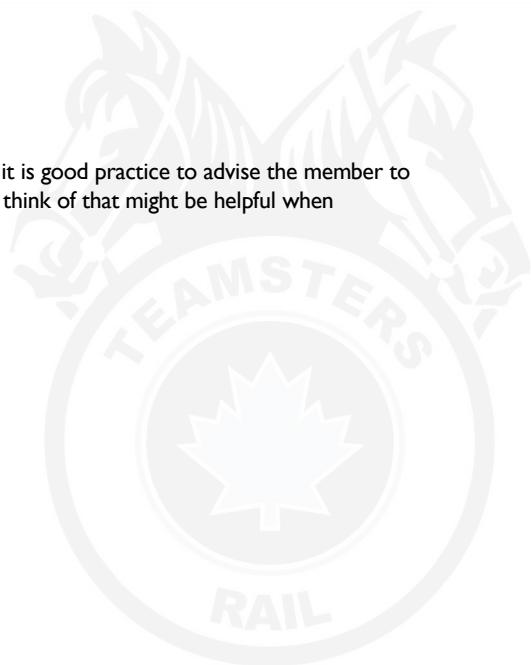


### Question #1

When taking part in the investigation procedure, it is good practice to advise the member to offer any extra information and context they can think of that might be helpful when responding to questions.

True

False



Preparing the member for an investigation pages 65-67

Correct answer is:

**False**

Top Up to include:

One of the most damaging practices a member can adopt is that of giving long, rambling and voluntary statements. A member should confine the answer to the question. If he or she volunteers or adds to what is asked, that will invite additional questions and open up avenues of inquiry that the investigating officer might otherwise overlook.

When the member is asked to tell in their own words all they know about the occurrence, they should give a short answer and not go into detail. The answer should be short and concise but contain all of the essential facts of what happened and of their defence. The investigating officer is then required to obtain the details by asking specific questions.

## Preparing the member for an investigation

### Question #2



Stamp

Thinking of the checklist of points to tell the member in preparation for investigation interviews, which one of the following is NOT correct advice?

Sit up straight, don't chew gum and speak audibly

Be courteous because when you behave in a discourteous manner, it could establish itself in the questioner's mind as guilt

It's ok to tell some jokes to lighten the mood

If you don't know the facts required to answer a question, saying 'I don't know' is perfectly acceptable

Preparing the member for an investigation pages 65-67

Correct answer is:

**It's ok to tell some jokes to lighten the mood**

Top Up to include:

Items 1-5 on the list

## Preparing the member for an investigation

### Question #3



Stamp

Still thinking of the checklist of points to tell the member in preparation for investigation interviews, answer the following statements.

If you don't understand a question, answer to the best of your ability.

True

False

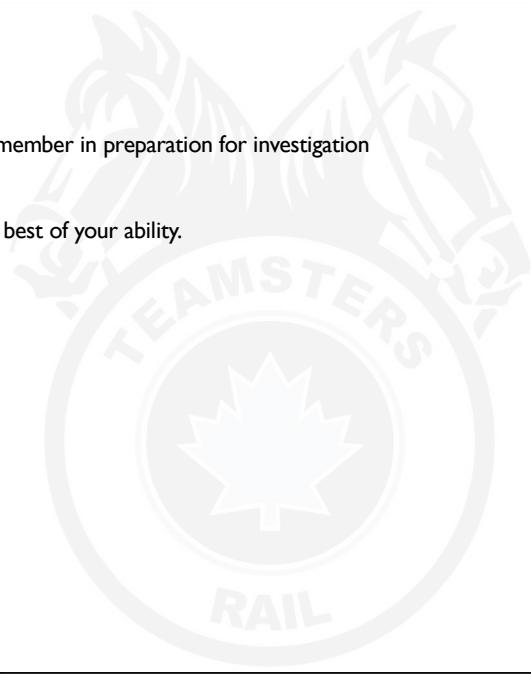
Preparing the member for an investigation pages 65-67

Correct answer is:

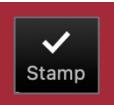
**False**

Top Up to include:

Much harm can be done answering a question you didn't understand. Ask the questioner to repeat it.



## Preparing the member for an investigation

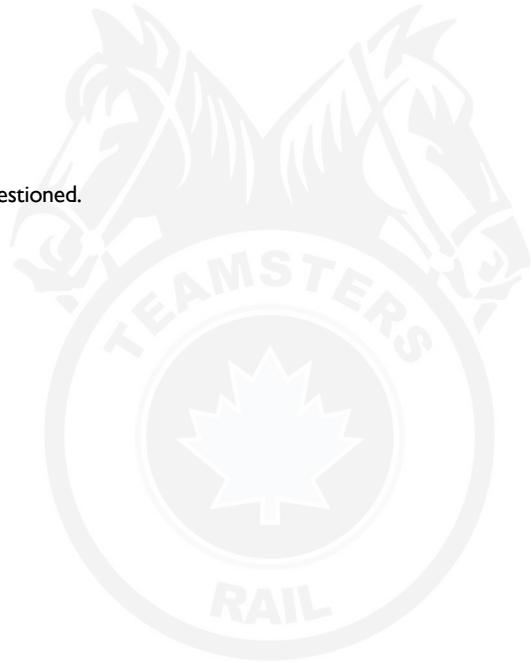


### Question #4

Don't look at your representative when being questioned.

True

False



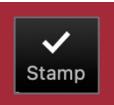
Preparing the member for an investigation pages 65-67

Correct answer is:

**False** Top Up to include:

Don't Rely on Your Representative for your Answer- Don't look at your representative when being questioned. This merely discredits your statement and gives the impression that the representative is putting words in your mouth. Look directly at the person asking the questions

## Preparing the member for an investigation

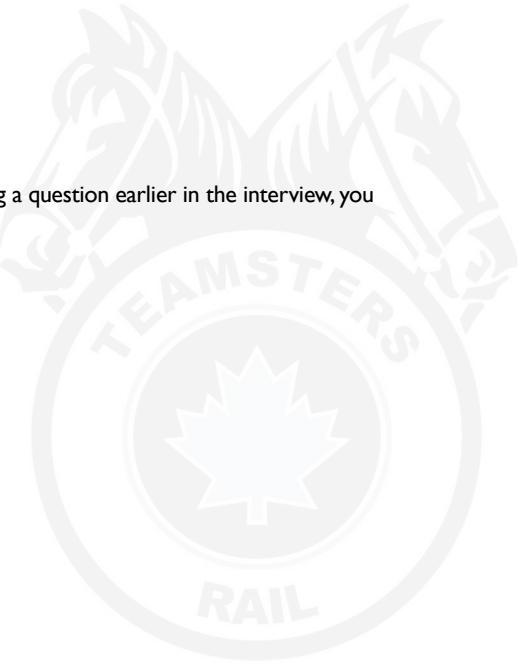


### Question #5

If you realize you have made a mistake in answering a question earlier in the interview, you should go back and correct it.

True

False



Preparing the member for an investigation pages 65-67

Correct answer is:

**True**

Top Up to include:

Don't stick to mistakes...go back and correct. Remember it is the member's statement, not the Company's.

## Preparing the member for an investigation

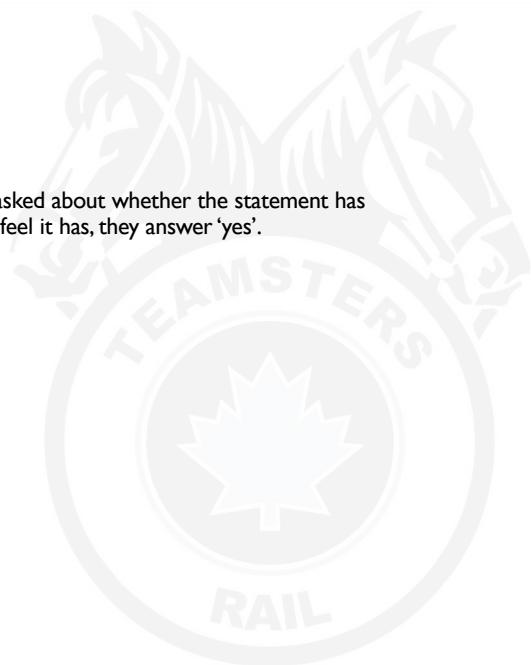


### Question #6

At the end of the interview, the member will be asked about whether the statement has been taken in a fair and impartial manner. If they feel it has, they answer 'yes'.

True

False



Preparing the member for an investigation pages 65-67

Correct answer is:

**False**

Top Up to include:

15) Ensure you never answer yes to the question about whether the statement has been taken in a fair or impartial manner. State only "Let the record speak for its self".

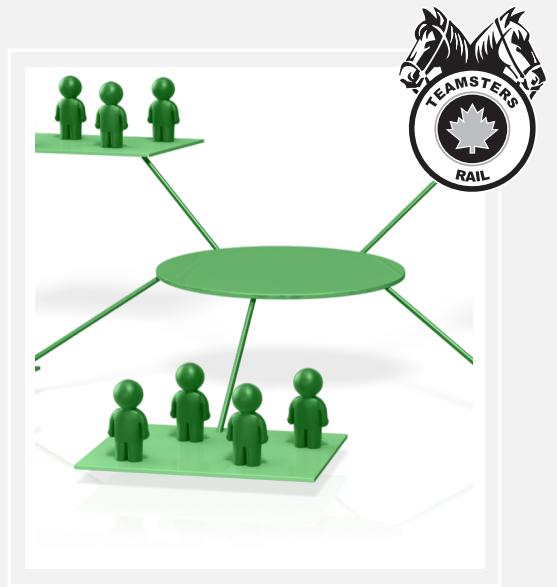
## STEPS OF THE STATEMENT

1. The notification
2. **Opening questions**
3. Review of material, documentation
4. **The version of facts of the member**
5. The investigator questions
6. **The member's last chance**
7. The end of the statement
8. **Written statement**



Steps of the Statement pages 68-74

Group 1: 1 and 5  
Group 2: 2 and 6  
Group 3: 3 and 7  
Group 4: 4 and 8



Steps of the Statement pages 68-74



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**Phase 3 – The Analysis** 

**1.** A Local Chair is dismissed for arguing during the work hours with the supervisor about a grievance related to scheduling of assignments. There was a formal investigation.

Are there grounds for a grievance?  YES  NO

Why? \_\_\_\_\_

What can the Local Chair do in this case?  
\_\_\_\_\_  
\_\_\_\_\_

**3.** On May 1<sup>st</sup>, a member has to leave an hour before the end of his shift for a medical appointment. The company knows that every year this employee needs to see his cardiologist; his medical assessment is required by the company medical department. On May 1<sup>st</sup>, in writing the company authorized the member to leave his shift one hour early. On May 3<sup>rd</sup>, after the lunch break the manager asks the member to stay until the end of his shift because there is a mechanical problem with a car that belongs to the company. The member decides not to stay and leaves early anyway. The next day the member is terminated for insubordination. There was no formal investigation.

Are there grounds for a grievance?  YES  NO

Why? \_\_\_\_\_

What can the Local Chair do in this case?  
\_\_\_\_\_  
\_\_\_\_\_

**5.** A member of the Motor Coach Division realized that the brakes on their bus are defective. The employee reports the situation to his supervisor during his pre-departure inspection and refuses to drive the bus. Another bus is used, and the trip is completed. After a mechanical inspection the manager determines there is no defect at all, calls the member and suspends him. The member calls the Local Chair and wants help.

Are there grounds for a grievance?  YES  NO

Why? \_\_\_\_\_

What can the Local Chair do in this case?  
\_\_\_\_\_  
\_\_\_\_\_

**2.** A member provides the company with a wage claim. After preliminary investigation by the company, it appears that the claim was fraudulent. The member is terminated for fraud. There was no formal investigation.

Are there grounds for a grievance?  YES  NO

Why? \_\_\_\_\_

What can the Local Chair do in this case?  
\_\_\_\_\_  
\_\_\_\_\_

**4.** Two months after a disciplinary statement was completed, the employer issues demerits to a member. The member states that he deserves his demerits.

Are there grounds for a grievance?  YES  NO

Why? \_\_\_\_\_

What can the Local Chair do in this case?  
\_\_\_\_\_  
\_\_\_\_\_

**6.** Several employees are complaining to you about the new supervisor's behaviour. They say he examines their paperwork like nobody ever did before, he asks lots of questions, he evaluates everybody and changes work procedures. They claim their previous supervisor was not watching them like that and they ask you "to put him in his place".

Are there grounds for a grievance?  YES  NO

Why? \_\_\_\_\_

What can the Local Chair do in this case?  
\_\_\_\_\_  
\_\_\_\_\_



## Phase 3 - The Analysis pages 78-80



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WHAT DO YOU THINK?



CROA 3679

CROA 3679 page 90

<http://croa.com/PDFAWARDS/CR3679.pdf>

## CROA 3679



Evaluation of the facts	Yes	No
Did something happen?		
Was the investigation fair and partial?		
Was the responsibility established?		
Is the disciplinary measure appropriate?		
If mandatory, were time limits respected?		

CROA 3679 page 90



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WHAT DO YOU THINK?



CROA 3680

CROA 3680 page 91

<http://croa.com/PDFAWARDS/CR3680.pdf>

## CROA 3680



Evaluation of the facts	Yes	No
Did something happen?		
Was the investigation fair and partial?		
Was the responsibility established?		
Is the disciplinary measure appropriate?		
If mandatory, were time limits respected?		

CROA 3680 page 91



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## DRAFTING A GRIEVANCE LETTER

If there is no settlement and there are grounds to file a grievance, file it within the time limits provided in the Collective Agreement.

Drafting a Grievance Letter pages 95-98

## WRITE IT UP

Advance the grievance

- This is where the entire fact finding comes together.
- Make sure you are sending it to the correct person.
- Do you have an agreement to exchange grievances electronically? Can you confirm receipt?
- Develop your own style of writing that you are comfortable with and develop your own way of closing out the letter. Don't write a novel. Be accurate and precise. Make a clear accusation and don't forget to include the remedy sought.
- Remember, you are not a lawyer and don't need to be one either!
- Act professionally and write a letter the same way.
- Keep the grieved advised and up to date with what is taking place.



Drafting a Grievance Letter pages 95-98



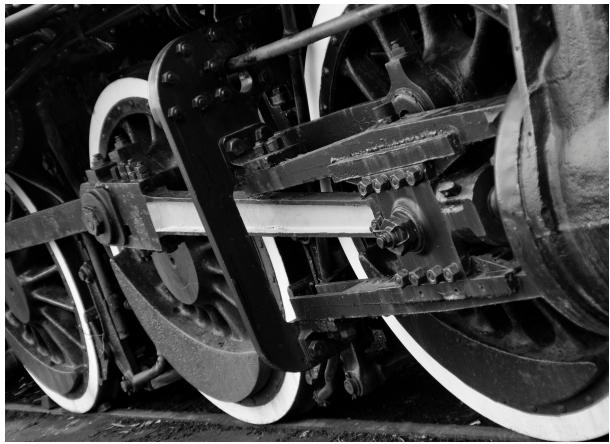
## DRAFTING A GRIEVANCE LETTER

- **First** paragraph - What step of the grievance procedure is it?
- **Second** paragraph - What has happened?
- **Third** paragraph - Make a definitive accusation or point.
- **Fourth** paragraph - Be clear and state what it will take to settle the dispute

Drafting a Grievance Letter pages 95-98



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JACK BLACK

20-day suspension

What do you like about this example?

Anything you would change or improve?



Pages 102-103



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Make certain that  
the settlement is  
consistent with the  
terms of the  
Collective  
Agreement

## THE SETTLEMENT

Phase 6 - The Settlement page 112

Be confident and positive (you represent the union)

Stick to the point

Be prompt

Keep others informed

Some things to avoid...

WHEN  
MEETING  
WITH  
THE  
COMPANY...



Meeting with the Company pages 114-115



ISSUES TO  
CONSIDER  
IN A  
GRIEVANCE  
SETTLEMENT

Dispute of time  
claim

Without precedent  
or prejudice

Issues to consider page 116



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### Question #1

When transferring the grievance file to the General Chair, you must include all evidence and documentation including statements, discipline forms or records and medical records and any post discharge evidence, as necessary. What is missing from this list?

- A copy of the grievance process
- A written explanation as to why the file is being advanced
- Your personal opinion on the outcome
- An outline of the role of the General Chair

Phase 7 - Transfer the File to the General Chair pages 118-120

Correct answer is:

**A written explanation as to why the file is being advanced**

Top Up to include:

Remember, the General Chair should not have to read through all of the material and try to determine what it is that is in dispute. That is the role of the Local Chair. Explain the merits of the case to the General Chair and offer up rebuttal argument or fact to the employer's declination of the grievance, or the position the company has advanced in disputing the claim(s).

Explain to the General Chair what the expectations are, if any, along with an explanation of whether or not there is anything further that is being sent in, or being waited for.

Explain if there's an expectation of success or is the grievance related to

whom the grievance involves and not necessarily the facts of the case.



### Question #2

When you advance a grievance to the General Chair, you advise the griever this has been done. A file advanced to the general chair has a greater chance of success for the griever.

True

False

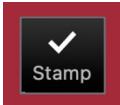
Phase 7 - Transfer the File to the General Chair pages 120-122

Correct answer is:

**False**

Top Up to include:

The facts of the case will determine the outcome of the case regardless of what level the grievance is advanced to.



### Question #3

Select the statements that are true.

Each General Chair and General Committee follows the same practices on administering grievances

Each General Chair and General Committee may have developed their own practices on administering grievances

A General Committee may have their own bylaws pertaining to the handling of grievances

Phase 7 - Transfer the File to the General Chair pages 120-122

Correct answer is:

**Each General Chair and General Committee may have developed their own practices on administering grievances**

**A General Committee may have their own bylaws pertaining to the handling of grievances**

Top Up to include:

You should familiarize yourself with how the General Chair or General Committee has chosen to administer grievances.

**Question #4**

Once the General Chair has received the grievance file and reviewed the facts, they may:  
(select the correct option)

- Determine the merits of the case given the information they were provided. There is no allowance to seek additional information.
- Ask the Local Chair or griever for more information as needed.

Phase 7 - Transfer the File to the General Chair pages 120-122

Correct answer is:

**Ask the Local Chair or griever for more information as needed.**

Top Up to include:

Upon receipt of a grievance file, the General Chair will review the facts of the grievance and depending on the circumstances may ask the Local Chair or the griever for additional information. They may possibly request a signed “release of information” form from the griever so the Union may access certain private files in the possession of the employer, or perhaps in possession by a medical practitioner who is involved with the griever. The General Chair will generally communicate through the Local Chair and may not, unless the circumstances warrant, communicate directly with a griever.

The General Chair may also determine that there is no merit to the facts of the instant case. In this situation they will normally write back to the Local Chair

explaining that decision. In such a case the file will normally be closed and not progressed any further.



#### Question #5

Why is referencing the Collective Agreement important in handling grievances? Check all that apply.

- CA's can determine when the grievance process officially starts.
- Some CA's can call for a 'joint conference' between the General Chair and the employer.
- Most CA's outline the same process for grievances, so it is good to review the CA but they're not necessarily 'important'.

Phase 7 - Transfer the File to the General Chair pages 120-122

Correct answer is:

**CA's can determine when the grievance process officially starts.**

**Some CA's can call for a 'joint conference' between the General Chair and the employer.**

Top Up to include:

This is the time to discuss the importance of the CA to the learners.

Timing, special processes, FMCS, grievance meetings, etc.

There are some Collective Agreements that begin the grievance process at the General Chair's level, when involving discharge, suspension, demerit marks in excess of 30 and restrictions. In these circumstances it is particularly important that the General Chair receives all of the relevant information and documentation, and all done in a timely manner.

There are specific time limits involved at this level of grievance handling. Some

Collective Agreements call for a “joint conference” between the General Chair and the employer once the grievance has been advanced by the General Chair. The purpose of these meetings is to possibly settle the grievance.

In most cases the General Chair will have discussions with senior managers about the grievance, regardless of whether or not there is any likelihood of settlement. It is very important that the General Chair is aware of all the facts, and anything that has taken place since the filing of the grievance, and which may be related to the dispute. This is particularly important in cases of discharge or significant discipline.

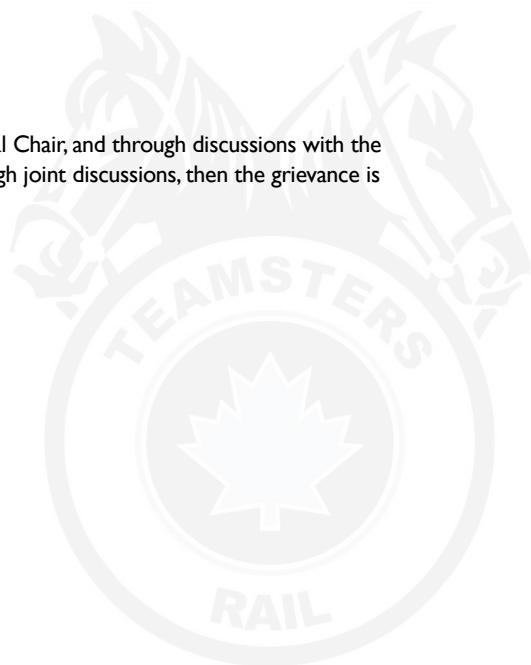


#### Question #6

If the grievance has been advanced by the General Chair, and through discussions with the employer has been declined, or not settled through joint discussions, then the grievance is advanced to final and binding arbitration.

True

False



Phase 7 - Transfer the File to the General Chair pages 120-122

Correct answer is:

**False**

Top Up to include:

That may be one outcome, but there are others:

Should the grievance be advanced by the General Chair and ultimately declined by the employer, or not settled through joint discussions, there are really several options at that point.

- o Review and reconsider the facts and should there be insufficient merit to proceed, the General Chair may close the file.
- o The General Chair may want to continue to discuss the issue or issues with the employer in an effort to obtain an acceptable settlement.
- o The issue or issues are advanced to final and binding arbitration.



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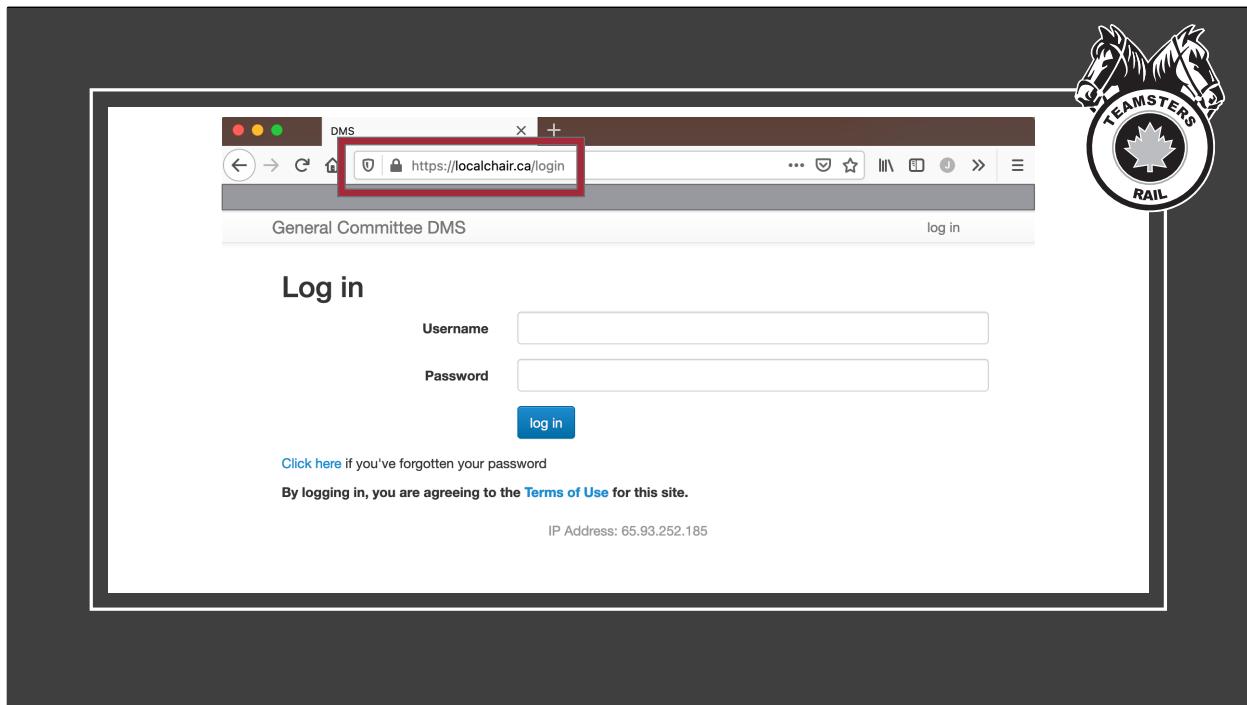
Rules and Procedure

Members

Contact the Office

**www.croa.com**

CROA - page 122



Page 123



## RES JUDICATA

a matter which has already been conclusively decided by a court between the parties

a final judgment that prevents any re-examination or re-trial of the same dispute

does not apply to discipline and discharge cases

Res Judicata page 124



Call to Action page 126



**INSTRUCTOR - STOP sharing your slides**



Conclusion - page 129