

Protecting the Process:

What are my Rights and Responsibilities?



Almost every steward and union representative at one time during their careers, has experienced some internal conflict with their responsibility of representing members. As a Steward, you are often required to represent different and conflicting interests.

process a meritorious grievance or decline to proceed to arbitration because of hostility to the grievant or irrelevant considerations, such as being a member of a protected class (i.e. age, race, religion, etc).

Duty of Fair Representation

Unions have a wide berth in fulfilling statutory union duties. However, the “Duty of Fair Representation” requires that the union represent the interests of all members fairly and impartially.

The Duty of Fair Representation is specifically defined as the obligation, incumbent upon U.S. labor unions that are the exclusive bargaining representative of workers in a particular group, to represent all those employees fairly, in good faith, and without discrimination.

The right to speak for all employees in the bargaining unit carries with it the equivalent duty to protect them as well. Fair representation is also applicable in negotiations, the decision to process or not process a grievance, and the way in which a grievance is *processed through arbitration.

The Union’s Rights

The union may refuse to file or process a grievance for any number of reasons, as long as the reasons are valid. The union may not arbitrarily refuse to

Members’ Rights

Members do not have the right to have their grievance processed or taken to arbitration if the union determines—in its discretion—that it lacks merit.

Still, the union may not refuse to process or go to arbitration on a meritorious claim simply because the grievant is widely disliked. The union cannot be arbitrary or capricious in its decision to not process a grievance through arbitration.

Conclusion

It is critical to protect the grievance or negotiating process, maintain the integrity of the collective bargaining agreement, due process, grievance handling, and arbitrations by focusing on the process, not the person.

A breach of Duty of Fair Representation occurs when the union acts based on improper motivation or in an arbitrary manner, or is perfunctory, inexcusably neglectful, or capricious. – *By Roberta Burnett, Local 17 Union Representative*