

# Strategic Grievance Handling

**I**magine a doctor who tells every patient to take aspirin no matter what the ailment, or a carpenter whose only tool is a hammer.

No, this isn't an article about HMO's or an ad for tools. It's about thinking strategically when you file grievances. Rather than "prescribe" a written grievance for every problem your co-workers encounter on the job, or view every workplace issue as a "nail" that needs pounding, you can be more thoughtful and strategic — and strengthen your union and its ability to fight for the workers — by asking and answering questions like those below.

## **Is this a continuing problem or one-time occurrence?**

When you've got a situation where one member is unfairly disciplined for absenteeism, a grievance that challenges management's action might be exactly the right thing to do. But what if the discipline is part of a new harsh attendance policy, and this one discipline is the beginning of managements' expected crackdown? Filing one grievance at a time may never get you the solution you need, at least not in a timely manner. But dealing with the policy with some group grievances and actions, and perhaps making it an issue in bargaining, might get better and faster results.

## **If this case is going to create a precedent, is it the right test case?**

If you decide to challenge management's new attendance policy through a grievance, you want to make sure you have a case that very clearly demonstrates the unfairness of the policy to an arbitrator. If the grievance goes to arbitration and you lose, you may be stuck with the result for a long time. It is often wiser — a better strategy — to wait for a stronger case or series of cases that the union can

take to arbitration with the hope of getting a favorable decision or a good settlement from management.

## **Who has the power and authority to resolve the issue?**

It's not always clear who in management can resolve an issue. Often stewards are tempted to "beat up on" the closest or nastiest manager or Human Resources representative they can find. But if these are not the people who can change things, you are wasting a lot of energy and time on the wrong targets. It may take some probing to find out just who in management has the final say on an issue, but it's time well spent.

## **What is the source of the problem?**

Let's say you are about to file your umpteenth grievance over an incident where a member curses out a supervisor — a supervisor who routinely provokes these incidents by "forgetting" to talk to employees with the proper respect. Does one more grievance challenging the discipline do anything to attack the source of the problem? A more strategic approach might be a group grievance about the supervisors' unacceptable behavior.

## **Besides grievances, how else can we resolve this problem?**

Would even an arbitrator's decision telling the disrespectful supervisor to "cease and desist" change the situation?

Perhaps yes, but more likely the problem will continue until you change or expand your strategy and tactics. It might be time for some kind of demonstration. Or giving the silent treatment to the supervisor. Or filing a discrimination charge (if some of the supervisor's com-

ments or conduct constitute unlawful discrimination). Or all of the above.

Like the carpenter with only a hammer, a steward whose toolbelt contains only grievance forms doesn't have all the tools necessary to get the job done.

## **What forces are in the way of resolving the problem?**

Let's say the disrespectful supervisor is getting the best productivity that management has ever seen from the workers.

Does upper management have much incentive to lean on him to clean up his act? No, so your strategic thinking might lead you to come up with a group plan that offsets the productivity gains. Perhaps bringing large numbers of workers to long grievance "meetings" with management, or making sure everyone is taking enough

time to do every job exactly correctly and safely, will give you the leverage you need to achieve a solution.

Or maybe the reason management is dragging its feet on reining in the offending supervisor is its concern that it will cause them to lose "face" — look bad in front of the workers and weaken other supervisors. If this is the case, then you and your members need to do some strategic thinking about whether it's worth it to give management a face-saving way out of the situation.

So the next time management gives your members a "headache" don't just reach for the grievance aspirin. Stop and think strategically about other alternatives. And remember, sometimes it takes something other than a hammer to screw management's bad decisions to the wall.

— Ken Margolies. The writer is on the labor education faculty at Cornell University.

**Think twice before you file that grievance: there may be a better way to reach your objective**