

Is it a Grievance or is it just a Gripe?

While a steward may be approached a member who is seeking help with a serious issue that is big concern from him or her; many of the issues that members bring to a steward aren't necessarily obvious violations of the terms of the collective bargaining agreement.

Instead, sometimes the issues might be interpersonal disputes between members or specific concerns about how management is managing.

When a member approaches a steward with an issue, it's important to identify the best way to deal with that issue. If the matter is something that falls under the grievance provision of the collective bargaining agreement (CBA), then it is important to follow the grievance procedure (paying close attention to filing and appeal timelines). If the issue isn't a grievance but is still something of importance to the member (a "gripe" for the purposes of this article), then the union should pursue other methods of dispute resolution.

When trying to distinguish between a grievance and a gripe, it's helpful to remember a humorous but true statement: Management has a legal right to manage badly. Just because some management action is stupid or wasteful doesn't mean that it is necessarily a grievance.

GRIEVANCES:

While each collective bargaining agreement might define grievances slightly differently, in general a grievance is a violation of the collective bargaining agreement (or a dispute over interpretation of CBA language), violation of "past practice" or violation of a written precedent as contained in an employer policy or settlement agreement from a prior grievance.

GRIPES:

Gripes are issues that are importance to the member but for which there isn't an obvious violation of the collective bargaining agreement or past practice. Addressing gripes can be just as important as filing grievances for the morale of the bargaining unit. At first glance, the inability to file a grievance over a gripe would seem to be a disadvantage. However, in some ways, this lack of a formal process can liberate the steward to seek out creative solutions. Here are some examples:

1) File a grievance: Yes, we've already determined that the issue at hand isn't subject to the grievance provisions of the CBA. However, sometimes it makes sense to file a grievance anyway. The advantage of this is that it forces management to listen to your concerns. A savvy steward can start the grievance meeting by acknowledging that a grievance isn't the ideal way to address the gripe and then try and shift the discussion towards creative problem solving.

2) Call an informal meeting: Asking management to explain their reasoning and listen to the concerns of employees can be illuminating for both management and labor. Very often management makes bad decisions oblivious to the impacts of workers. Conversely, what may appear to be a bad decision will make more sense to the employees once management fully explains their reasoning.

3) Labor Management Committee (LMC): If your worksite has a standing Labor Management Committee, then put the issue on its agenda.

4) Circulate a petition: A concise (and polite) petition explaining the concern and proposing a solution can be an ideal way to help members feel empowered and show management that employees are united in their desire to see the problem resolved.

The most important things to remember when addressing a gripe are to explain to the member why it isn't a grievance, convey to the member an alternative plan to address their concern, and to approach management with an explanation that resolving the gripe is a mutual interest of both labor and management. — *By Ray Goforth, Local 17 Union Representative*