

## What To Do When You're Blindsided

### *Woops, I shoulda' known that.*

Imagine that you are sitting around the table with a group of seasoned grievance handlers. One by one you go around the table and begin to tell horror stories. Most of them fall under the following categories:

**The grievant lied to me!** Usually it's not that extreme. What may occur is that the grievant alters the story line a bit while you are sitting in a meeting with management. But enough of the story changes to cause you to rethink your entire presentation. All of a sudden new facts emerge that throw a different light on the story. What can you do?

The best advice for the unexpected turn of events is to stop the proceedings. Minimally, you need to call a caucus without letting on to the other side that you just got blindsided. You need to restrain your instinct to chew the grievant out in front of management and simply request a stop to the meeting so you can regroup.

First, speak with the grievant about this new piece of information. Probe to see if there is even more to the story that you don't know. It could be good, bad, or

worse. If you can't use the new information to your own advantage, you will need to see if overall the case still stands well. You can concede the point and still argue the grievance. Think carefully how the new information really affects the whole story. In the heat of the moment, where you may have been over-prepared for the case, the change of information may not really be that significant. It could also be an honest mistake. If it is, then you need to put the comment in perspective. Do not allow the other side to destroy the credibility of the grievant or the trueness of the grievance because of this alteration of the story.

**The no show.** The meeting is set. You arrive all prepared. But there is no grievant. You didn't get a call. Your cell phone is working and so is the one at the office, but there was no message. The lines of communication are open. What do you do? You know that management wants to get this over and done. For them, if the grievant isn't present, so much the better.

Let's take stock here. This is the union's grievance procedure and a member's grievance. Your first job is to find out what happened to the grievant. There are lots of reasons for a grievant not showing; not many of them good, but you need to understand why. Rule out sickness, family emergency—all the excusables. No doubt in these situations you need to request a postponement and rescheduling. Then there are the more sinister reasons such as the member does not want to pursue the grievance and is afraid to tell you so. Has the company or a coworker put pressure on the member? Why? All of these issues may be a reason to request postponement.

Should you ever go in without the member? There can be times when you do it—if the member is too emotional or there is a real friction with the supervisor. Those may be the obvious situations.

But what about if they just don't show up? Holding such a grievance meeting should be a very last resort. Non-participation is a message and once you have ruled out all of the above, it may have more to do with truth not being so plain as it was when you last spoke to the member. Remember, at grievance meetings your credibility with the employer and with other members is on the line.

**I never saw that!** We have all suffered this one. Walk into the grievance meeting and the employer pulls out a piece of paper you never saw before. Grievance resolution is about fairness and if this memo or letter has been withheld despite your request to see it beforehand, there is a problem. It could be an unfair labor practice if you are covered by the National Labor Relations Act. That's probably the extreme case.

If it is something that was not in the member's file but clearly should have been, then you may have a case of someone trying to cook the books. Look the paper over, show it to the member, and object on record that the member and the union were never made aware of the issue. By doing so, you are demonstrating that the employer was disciplining without cause and this kind of action taken with any other irregularity will not go down well with an arbitrator if the union takes the appeal all the way up the grievance ladder.

There is no substitution for sound grievance investigation and preparation. The better you perform these two tasks, the better you will be prepared for anything the employer or the situation throws at you.

## TWU History

TWU members demonstrated outside transit company offices in New York City in 1941 for equal pay for equal work. Many women worked as agents in booths selling tickets or collecting fares (tokens were introduced in 1953) but the oncoming war brought them into nontraditional occupations including bus and trolley driving and mechanical work.

