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Working It Out

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Working It Out

Abstract
[Excerpt] Every steward knows that it's almost always better to work out problems with management informally, without having to resort to filing a grievance. And ever steward knows that if you do have to file a grievance, it's better to win it at the first step than have to go through the headaches that come with moving higher up the food chain, or, even worse, risk leaving things in the hands of an arbitrator.

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Working It Out

Every steward knows that it's almost always better to work out problems with management informally, without having to resort to filing a grievance. And every steward knows that if you do have to file a grievance, it's better to win it at the first step than to go through the headaches that come with moving higher up the food chain, or, even worse, risk leaving things in the hands of an arbitrator.

That being said, the problem remains for many stewards that they can never get management to settle anything.

How do you change things? One way might be to organize the members to pressure management into taking grievances seriously. There's an awful lot to be said for having a strong, committed membership putting its muscle into convincing management to do the right thing. There's nothing like having a determined group of workers standing outside a manager's door to make him sit up and take notice.

Another way lies in strengthening the contract, making things so airtight that management wouldn't dare to create problems for workers unless the employer has an unusually strong case.

Perhaps, however, the answer can be found in your own set of skills: specifically, in the way you question your management counterpart about what it would take to reach a fair resolution of the issue at hand.

Experienced stewards know that sometimes you have to ask management a lot of questions if you want to reach your goal. There may be a way for both sides to come out satisfied, but you have to know how to see if that's possible, and you can only do that by posing the right questions.

Below are a number of suggested questions that just might get management saying more than "no" to all your grievances.

■ **"Do you understand the problem we are trying to solve with our remedy? How do you see that problem?"**

Maybe the supervisor isn't clear on the real issue. Getting him to state it may open the door to a resolution.

■ **"What about our proposed remedy do you have a problem with?"**

Maybe the remedy's fine with him but one element sticks in his craw. You might be able to modify the one point, as long as your basic issue is dealt with.

■ **"Do you have other suggestions for how we can resolve this?"**

Who knows, maybe he's got an approach that will be acceptable, or at least a place from which to start.

■ **"What are you concerned would happen if you agreed to our proposed remedy?"**

His answer may surprise you: it may be something you can assure him is not in the cards. He may be overestimating the impact. Or he may misunderstand the true nature of the remedy you're seeking.

Sometimes, digging deeper can shed surprising new light on basic facts

■ **"If we address your concern in that area, do you think we can reach agreement on the rest of our remedy?"**

If you show him you can live with his concern, he'll be more prone to yield on yours.

■ **"Why is that your position?"**

Maybe he's locked into his position for a bad reason, one you can convince him is wrong, or which upper management wouldn't agree with.

■ **"Can you explain how you arrived at that position?"**

If you understand his logic you may be able to more successfully counter his arguments. Or maybe he misunderstands or doesn't know about a basic fact in the case.

■ **"This is very important to us. Are you saying you have no flexibility at all?"**

If he indicates flexibility, you'll know you've got some room to operate. If he doesn't, at least you'll know you've hit the wall and can prepare for the next step.

■ **"Make us a counterproposal on that."**

You may well not find his counterproposal acceptable, but it could open some new avenues leading to an acceptable deal.

■ **"If we had some flexibility on X would you have some flexibility on Y?"**

You'll want to use this approach with caution, because once you hint that you might have flexibility on an issue, it's hard to take it back entirely. And be careful here that you don't get into trading grievances: the flexibility has to be within the case you're discussing.

■ **"What if we agreed that granting our remedy in this case would not set a precedent for other cases?"**

You'll want to be cautious with this as well, and avoid making the offer on an issue that could come back to haunt you. But the case in question may well be a one-of-a-kind situation in which such a commitment may not be a problem.

■ **"The grievance procedure is supposed to be a way for us to resolve problems. Why are you unwilling to look for a settlement?"**

Put the onus on management to defend its unresponsiveness — that's a lot better than going around and around over the same facts. And maybe the answer to that question — if there is one — will open a window of opportunity. If he gives a specific reason for his unwillingness, it may be a reason you can get him to dismiss or view differently in the light of suggestions or alternative approaches you may have.

A word of caution here: Before you probe management for a possible compromise, make sure you have discussed potential settlements with all the members involved in the case. Never make a final settlement offer without getting member approval and, along with union officers, seriously considering any precedents that might be set.

— Ken Margolies. The writer is on the Labor Education faculty at Cornell University.