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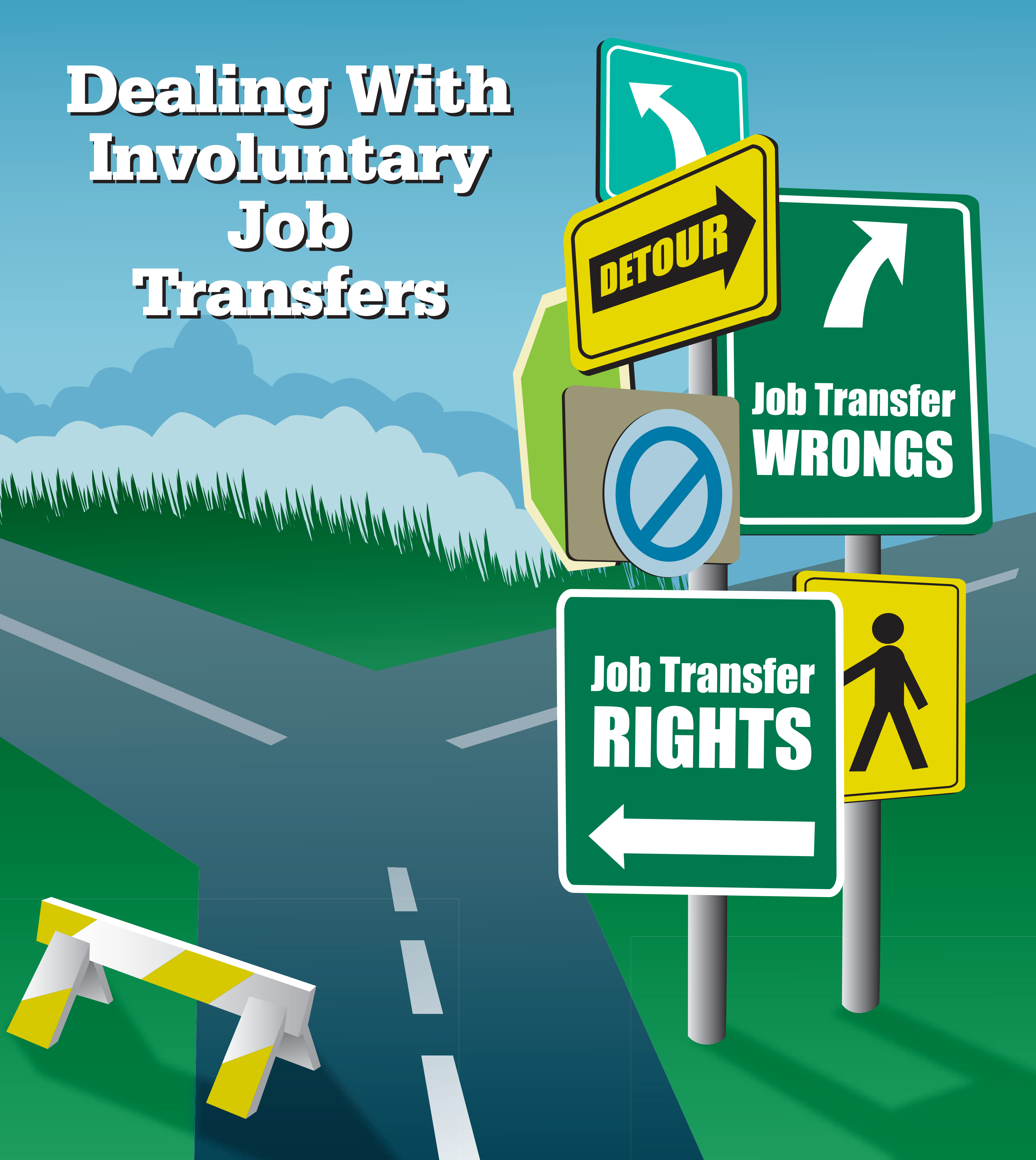
Dealing With Involuntary Job Transfers



Dealing With Involuntary Job Transfers

Few workers would dispute that an involuntary job transfer is better than an out-and-out layoff — having some kind of a job in this economy is better than no job at all. Still, involuntary transfers can spur all sorts of problems, and helping a member work through them can keep a steward's hands full.

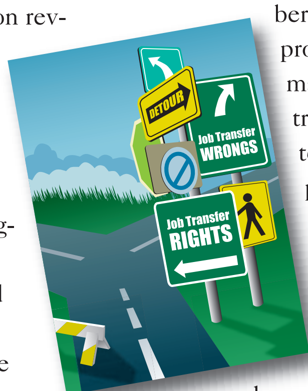
There are huge pressures on revenue-starved governments to economize today, and corporations continue look for ways to squeeze out profits. So when people leave, their positions tend to get eliminated in a budget-shrinking strategy known as attrition. The work gets divided up among the rest of the workforce, which often means people get shuffled around and workers can frequently be given a take-it-or-leave it option to be transferred elsewhere.

Rarely is anyone happy about this. However, unlike many other problems that stewards have to deal with, a transfer should not be a surprise. As the steward, you should not only have been aware of any ongoing discussions that could involve transfers, ideally, you would have been involved in those talks. At the very least, you should be familiar with any contract language that addresses transfers, so that when an unhappy worker stops you in the hall or the break room and says, "Can you believe this? They want me to commute fifty miles to Rockford!" you have a frame of reference with which to respond.

Find Out What's Involved

In order to respond to the unhappy worker, you must first find out exactly what the transfer involves: place, date, timeline for a response, consequences of turning it down, and so forth. There should be a piece of paper on which the conditions of the transfer are clearly outlined. Details make the difference — you do not want to be working from what someone heard someone say. Set up a meeting with the worker as soon as possible and make sure he or she brings this piece of paper, and prepare for the meeting by making sure you know what the contract says about transfers.

During the meeting with your member, find out why she has a problem with the transfer. Any major change in a job can be traumatic, but it's important to find out exactly what the problem is. Perhaps her current route to work enables her to pick up a grandchild and take her to school. Perhaps the work arrangements that have been made over the years at his current location are deeply cooperative and would be hard to reproduce elsewhere. Perhaps the transfer is not just to a new location, but to a new job requiring different skills and knowledge — or less skill and knowledge and less pay. Perhaps she does not want to risk a probationary period, and fears that this transfer is just a way to get rid of her job entirely. If that's a possibility, is this a case of disparate treatment? Is it management's way of isolating a union activist?



An Important Meeting

This meeting is extremely important because, even if it's not possible to fight the transfer, at the very least the worker has been able to hear her problem reflected back from the union's perspective and has been told what the union can and cannot do.

But what *can* the union do? Let's assume your contract covers transfers and says that management may carry out an involuntary transfer for "business necessity" or economic reasons, but that the transfer must be between jobs of equal or comparable skill and compensation, that training will be provided, and that the rotation of transfers is in the order of reverse seniority. Ideally, seniority, vacation, sick days, overtime rotation position, and other negotiated conditions will carry over from one job to the other (in the sense of a worker being "made whole" — here, you want the worker to remain "whole" across the transfer). Let's also say your contract stipulates that no new probationary period is imposed and the work will be about the same as performed in the old position.

Possible Negotiations

If this is the case — let's hope it is — and if there is no way to prevent the involuntary transfer, there are still some things you can negotiate. For example, is there a way to collectivize this problem? Can you find someone else who might volunteer to take the transfer? Can you negotiate a subsidy for moving or for a longer commute? How about a flex schedule, to enable the person to continue to do the childcare or eldercare? How about a right of return, if after six months or a year the commute has proven to be a hardship that affects the worker's family too severely?

Finally, is this new job exactly the same job, or is it a way to transfer the worker's experience from her original job and make it pay off rapidly in the new job — in which case the new job is really a promotion, and should be paid at a higher rate. If you can swing any or all of these, you may raise the future labor standards for everyone.

Ultimately, your main job as steward is to improve the conditions of the workforce overall, not just to represent one member. Transfer issues can become divisive, resulting in anger and demoralization and weakening the union for the next fight. While they're not always avoidable, it's good to keep that potential in mind.

— Joe Barry and Helena Worthen. The writers are veteran labor educators.

Your Right to Know Under OSHA

From factory to office to construction site, workers in virtually every setting are confronted by potentially hazards substances. Fortunately, the Occupational Safety and Health Administration's Hazard Communication Standard, or HCS, requires employers to provide workers with information about these substances. HCS is a valuable tool that can be used by stewards everywhere to strengthen health and safety protections for their coworkers. (An equivalent law in Canada is The Workplace Hazardous Materials Information System, or WHMIS.)

The purpose of the standard is to give workers the right to know whether they may be exposed to hazardous chemicals — anything ranging from office cleaning products to manufacturing chemicals to construction site solvents, and more. It is also intended to ensure that workers know the risks involved in their job duties and understand how to prevent illnesses or injuries that hazardous substances might cause. Although HCS, in effect since 1985, originally applied only to the manufacturing industry, it now covers all worksites. It has five essential elements that stewards should understand. The law says that employers must:

- Train employees before they work with dangerous chemicals, and whenever new substances are introduced into the workplace;
- Provide access at the worksite to Material Safety Data Sheets (MSDS) — fact sheets about a particular chemical workers may be exposed to;
- Develop and make available to workers a written hazardous communication program. This includes a plan for employer compliance with the law, a list of hazardous substances and methods for informing workers; and
- Furnish information on the effects and properties of chemicals, even if the chemical name is withheld because it is a "trade secret."

Other Legal Requirements

The law also requires that containers holding toxic chemicals must be properly labeled and identify any hazardous substance and provide warnings as appropriate.

Although OSHA itself estimates that more than 32 million workers are exposed to 650,000 hazardous chemicals in more than 3 million workplaces, most U.S. employers virtually ignore HCS.

Hazard Communication Standard violations are treated the same as any federal health and safety violation. Upon request, your area OSHA office will send you a complaint form to complete. (Complainant's names will be kept confidential and they are protected by law from harassment.)

The Union's Rights

Unions also have the right to:

- Ask employers for a copy of their written program, a schedule for training, and MSDS forms for information about particular chemicals in your workplace; and
- Use the standard along with the OSHA Access to Medical Records Standard to obtain all the information an employer has, including monitoring records and the results of any medical testing.

Steward Strategies

Information obtained through this law can be used strategically by stewards in a variety of ways, including:

- To support members' compensation claims or personal injury lawsuits;
- To file grievances and push for stronger contract language;
- To develop a "10 Most Wanted List" of toxic chemicals, and try to replace these chemicals with less harmful substances.

Some states and provinces have their own Right to Know laws, and in a few cases they are more expansive than the hazard communication standard. For information about Right to Know laws in your area, you can call your state AFL-CIO or provincial labour federation. For more information about the OSHA standard itself, contact your union's safety and health department.

— Jim Young. The writer is National Director of Education and Program Development for the BlueGreen Alliance, which includes 10 large labor unions and four national environmental organizations and is based in the U.S. with a sister organization in Canada, BlueGreen Canada.

Workplace Conflict and Relationships

Not all conflict that stewards handle is with management. Conflict can arise within the union, too —within leadership circles, disputes with members, clashes among different constituency groups within the union. How a steward responds can strengthen or undermine confidence in his or her leadership and affect membership solidarity.

Conflict isn't going away, nor should it. Conflict can be a source of learning, creative solution finding, needed change and, yes, relationship building. It tells you something isn't working. So fix it. If the issues are real, the conflict will persist until underlying concerns are addressed. While conflict may not be resolved in a way that gives everyone what they want, it can be handled so that members feel acknowledged and respected in the process.

Choices Influence Behavior

We all make strategy choices which influence behavior. We can choose an approach that builds respect and relationship or one that provokes distrust, resentment, and division. Choosing a strategy that supports relationship building doesn't mean giving in. Learning to view ourselves as advocates for our concerns, rather than adversaries forcing positions, opens doors to new possibilities.

Many of us grew up playing tic-tac-toe. We learned early on to view the other side as our adversary. What one side wins, the other side loses. We succeed by outsmarting the other side, forcing them into a position where they must concede. To help them meet their needs or consider seriously their concerns is considered a sign of weakness.

Unfortunately these instincts don't work well when it's important to preserve respect and unity within the union. Viewing the other side as an adversary gives permission to disregard what they say, to discredit or belittle them, to intimidate them so they'll yield. When tension heats up, we run the risk of getting caught up in the argument, of being sidetracked by accusations and of overlooking key information that might lead to the discovery of a solution that works for everyone.

> **How a steward responds to conflict can strengthen or undermine the members' confidence.**

Where relationships are important, you have to learn from the others' perspective, add your concerns to the mix and work together to resolve conflict. When progress seems blocked, consider these techniques.

1 Use power to bring the other side into the conversation. Conflict is like a puzzle. Each side brings a piece of the solution. Conflict resolution is about discovering the pieces and finding a way to put them together. Using power to impose an outcome that only works for you will meet with resistance and cause resentment. Even if the other side yields, the relationship is likely damaged. Instead, use power to bring them into the conversation, then work together to find the solution.

2 Talk to them; not to yourself. Conflict resolution is all about communication. Think dialogue, not debate. Ask open-ended questions. Suspend judgment when listening. Stay alert to the underlying concerns that drive their dissatisfaction. This is key information. Letting them tell *their* story lowers their tension level and creates greater willingness on their part to listen to *your* story.

3 Don't rush to solution. Often both parties begin by declaring what's wrong and assert positions outlining what should happen. Positions clash. Each party tries to persuade the other why their view is right. When this fails, the conversation collapses into non-productive challenge and a back and forth of rejected proposals. Emotions flare as instincts to discredit and outmaneuver set in. Progress toward resolution gets lost in the shuffle. When this happens, stop. Take a step back. It's likely too early in the process to focus on the outcome.

4 Surface the underlying concerns. Instead, use the conversation to clarify underlying concerns that drive the other side's discontent. Concerns are the "Yes" factors that determine if an outcome is acceptable. You should be aware of your own concerns as well. Once both sides understand the full range of concerns that successful conflict resolution should address, the stage is set for solution-finding.

5 Restate the issue as a problem-solving question framed around concerns. The breakthrough often comes by posing the question: *So what are we really talking about here?* The response restates the issue as a problem-solving question that reflects both sides' main concerns. Framing the issue this way guides the parties into a problem-solving mode, generating options until a solution is discovered. Even if one side is unable to have all their concerns met, it's likely they will walk away with a realistic understanding of why not and the knowledge that they were taken seriously and given a fair hearing.

— Susan Woods. The writer is a workplace facilitator and trainer and has taught for Cornell Labor Studies for many years.

Get Yourself Some Help!

Want to avoid steward burnout? Well, for starters, keep reading.

Many new stewards are amazed to discover how much time their union duties can consume. There's always another grievance to be resolved, a member's question to answer, a piece of information to be found or fire to be put out — and you're the person everyone is assuming will do the work.

If you're not soon looking for help, you'll probably soon be looking for the exit.

The key to avoiding burnout is getting your colleagues "in motion" and active. Of course, that's easier said than done.

Identifying Potential Activists

Where do you start? There are lots of ways to identify potential activists. One way is make sure there's a signup sheet for every union meeting or event you work on. This is especially important if you are in a big shop or work for an employer with multiple shifts.

While it's always important to keep track of who's at events, those signup sheets can be a source for activists.

You will find that those who take the time to attend union events may also be inclined to help — especially the more vocal participants.

Another way to find potential activists is the squeaky wheel. That employee who always emails, calls or stops you in the hallway to talk about union issues could very well be an activist waiting to be recruited.

If you've ever done a mobilization effort, chances are potential union activists were a part of it.

A Member's Idea, a Member's Task

Then there's the tried and true method of when a member suggests something the union should be doing — say having a department picnic, bowling tournament or other event for members and their families. First praise the plan, then ask the member making the suggestion to put it together.

Finally, it may sound counterintuitive, but find a busy person in your shop. They could be busy for a reason — they take on projects and work others shun. For people who get things done, what may appear like a huge task to lower-energy folks may to these active folks seem like nothing at all. You won't know until you ask.

You may be wondering, Why are all these potential activists on the sidelines as you do all the work?

Well, did you ask them to help?

Making the "Ask"

Getting people active in the union is a lot like recruiting union members in an open shop — you have to talk to them.

Notice that key word, 'talk.'

The same principles apply — do it in person not via email or phone. Find a convenient time for the two of you to talk. Have a specific task in mind, preferably tailored to an activity the recruit is likely to be receptive to. For instance, the person who is chair of her church social committee might very well be willing to help with union social activities or just plain "people contact" tasks: passing around a petition, distributing flyers, surveying coworkers about contract demands, making phone calls, or corralling people for a luncheon meeting, for example.

When making the ask be sure to define the task clearly — what the duties are; who they will be working with; how much time it will take each week (day, month) and how long it will last. Members are a lot less likely to say yes if they aren't sure of what they're getting into.

Once you've got an activist, don't overload him or her with work. Encourage the new activist to get one or more coworker friends to help out as well: make half the phonecalls, distribute some of the flyers, be responsible for who brings what to a union picnic.

And finally, make sure your fellow volunteers feel appreciated. Hold a social event for activists, put their names in bulletins/newsletters and introduce them at union meetings so everyone knows who's helping. In short — say thanks.

The dictionary defines "successful" as "gaining or having gained success." To be a successful union leader, you had better first understand "to activate."

— Paul Reilly. The writer is a local representative for the Washington-Baltimore Newspaper Guild, TNG-CWA Local 32035

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OFFICE OF THE INTERNATIONAL PRESIDENT

Dear Sisters and Brothers,

The IAM has always been at the forefront of new technology, and in this rapidly changing world of digital communications we must keep pace. That's why I'm proud to announce the IAM APP, an exciting and new way to communicate that is more current, more useful, more video intensive, more quickly read and more action-oriented.

The new IAM APP is being built around the *IAM Journal*, our award-winning magazine. With print and postage costs escalating, we have ended the printed version of the *IAM Journal* and will start publishing monthly digital versions in November 2011 using the IAM APP. Smartphone and tablet users will be notified automatically through the IAM APP when new versions of the *Journal* are available. The digital *Journal* will also be available on *www.goiam.org* in a format that can be printed if need be.

As Stewards, you can play a key role in spreading the word about this exciting new technology. After November 2011, look for the "IAM APP" section on the homepage of www.goiam.org. There will be links to the Apple iTunes Store and Android Market to download the IAM APP. This is an exciting new way to get information about your union, your contract and the issues that directly affect your job and family.

Just as important as keeping pace with new technology is our union's long-standing commitment to excellence in labor education at the William W. Winpisinger Education and Technology Center. By now, all local and district lodges should have received enrollment information and the calendar of classes for 2012.

We encourage you make use of the Leadership programs and other educational opportunities at the Winpisinger Center to prepare the next generation of members, officers, and IAM activists to lead this great union. For more information about the 2012 schedule of classes at the Winpisinger Center, go to *http://winpisinger.iamaw.org* or call 301-373-3300.

As always, thank you for being an IAM Shop Steward.

In Solidarity,

R. Thomas Buffenbarger

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International President

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