

# SUPERVISORS AND STEWARDS AS EQUALS

**A Steward “is properly subject to discipline for his actions as an employee, but is immune from discipline when acting clearly within the scope of his recognized union duties and responsibilities.”**

*Arbitrator Byron Abernethy*

When Stewards are performing Union functions spelled out in the contract or acting in their official capacity, they are considered *equals with management*. The National Labor Relations Board (NLRB) rules that Stewards must be free to challenge management statements without censorship. The NLRB described this relationship as: “a relationship between [employer] advocates on one side and union advocates on the other side, engaged as equal opposing parties in litigation.”

Stewards act in an official capacity when they:

- Investigate grievances
- Request information
- Present a grievance
- Act as a *Weingarten* representative
- Participate in a Labor/Management meeting

Stewards act in an individual capacity when they discuss their own work assignments, performance or evaluation.

## GREATER LEEWAY ALLOWED

A vigorous or heated argument between an employee and a supervisor might lead to a charge of insubordination against an employee. However, stewards are allowed greater leeway than the average employee in discussions with management because they are acting in an official capacity as an agent or representative of the Union.

## QUESTIONS AND ANSWERS

Q: Can a Steward be penalized for refusing a management order or telling a co-worker not to obey a supervisor?

A: Stewards should follow the universal rule of “obey now, grieve later” or they may be subject to discipline.

Q: How about an order to do something unsafe?

A: Answer these questions before refusing an order you believe is unsafe: (1) Do you have a reasonable belief that there is a real danger of death or serious

injury? (2) Did you ask management to eliminate the danger and it refused to do so? (3) Is the danger so urgent you cannot wait for a WISHA inspection, and (4) Is there no reasonable alternative?

Q: Are Stewards protected if they speak up during staff meetings?

A: As long as management has not clearly prohibited all employee comments, Stewards have a legal right to speak up (but not be disruptive), including criticizing Employer policies.

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