

Need Information For A Grievance?

The Union Has A Right To Company Information

The law says the company must give the union information we need to:

- ☛ make sure the company is following the contract,
- ☛ investigate possible grievances, and
- ☛ prepare for grievance meetings and arbitrations.

And they must provide the information in a reasonable period of time.

What kind of information is covered?

The union has the right to almost any company information related to workers' terms and conditions of employment if the union can show it is necessary and relevant. Here are a few examples of information you might need for certain kinds of grievances:

- ☛ **Discipline grievances:** You should have a copy of all relevant information in the grievant's personnel file. You may also want copies of relevant company policies (attendance, production, etc.) and personnel records of other workers who've been disciplined for the same reason. In some cases, you may want records of workers who appear to have equally bad records but who haven't been disciplined.
- ☛ **Promotion grievances:** In addition to personnel records of the grievant and the worker who got the job, you may also want the records of other workers who bid on the job or who have held the job. You may want to see job descriptions, copies of any tests used and test results, other information the company says it took into account in filling the job, and information you think should have been considered.
- ☛ **Health and safety:** Depending on what the problem is, you may want to see company safety guidelines, inspection and monitoring reports, the OSHA 200 logs going back several years, medical records of affected employees, MSDS information on hazardous substances involved, copies of any outside studies the company has had done, and all other information the company has about the problem.
- ☛ **Past practice grievances:** If there is a question about whether the company has always responded in the same way to the situation in the past, you need company memos and records about their response every time it occurred.

How to request information:

- ☛ Unless you expect the company's full cooperation, put your request in writing and date it. Even if they cooperate, it doesn't hurt to have a record of what you asked for and when.
- ☛ Be as specific as possible about what information you want. For example, you want to know how much money people have lost since a rate change last month, so you ask for employee payroll information for that department. If the company responds with a list of employees and their total pay so far this year, they've complied with your request, but it isn't what you need.
- ☛ Try to agree on a date the information will be ready. Remember to ask for it on that day.
- ☛ Keep good records: copies of information requests and company responses, and notes of verbal company responses (who said what, when). If the company regularly refuses to give you information you need, or makes it hard to get information when you need it, the union may want to file charges with the labor board. If you do that, it's very helpful to have written records.

Most Company Excuses Don't Work:

Don't be surprised if the company tries to tell you that you really don't need the information, or that you don't have a right to it. Here are a few excuses companies give that don't hold up with the Labor Board:

- ☛ The union hasn't needed the information in the past for similar grievances.
- ☛ The union can get the information from employees.
- ☛ The information has been posted in the past.
- ☛ It would be a burden for the company to put the information together.
- ☛ The information you've requested is confidential. If the company can show that you're requesting confidential information they don't give to anyone (medical records, testing results), try to work out an acceptable compromise. Deleting names or other identifying factors from records, or getting waivers from the people whose records you are requesting are two possibilities.
- ☛ "It will cost the union." The company may charge you for the cost of providing the information, such as the cost of making copies and the cost of the worker's time who makes the copies. If this is a problem, offer to do the copying yourself, or bring your own copier, or look at the originals and only make copies of selected records.