

From complaint to LMC resolution

Source: OPSEU course, *Advancing Union Issues through Labour Management Committees*



What to do*:

1. Gather the **facts** of the problem
2. Prepare your **argument**
3. Prepare a **resolution** to the problem

How to do it:

1. Fully investigate complaints and see if others are affected

(This is just good steward practice.)

- Meet with complainant(s) and steward(s)
- Follow-up on leads from complainant(s)
- Collectively investigate whether other members might be affected by the issue and develop a member-based campaign where the situation warrants
- Research past cases and outcomes
- Consult with Chief Steward, Unit Committee or LEC, and Staff Rep
- Fill out a *FAR Representation Form* (see checklist below)

2. Prepare for the LMC Meeting

- Decide on the issues for the meeting
- Research the arguments in support of the issues
- Union-side ERC caucus prior to the ERC meeting
- When in doubt, commit to caucus

3. Present to the employer at LMC Meeting

4. Follow-up on decisions of the meeting

- Follow through on any resolutions or agreements to ensure implementation
- Communicate decisions to the members
- Track issues within the LMC, Unit or LEC, and Staff Rep

*Someone from the Executive or designate needs to be on the LMC to maintain these connections. In locals with multiple sites, it's important to have as many sites as possible represented on the LMC, and to pull people together on a regular basis.

Checklist for moving from complaint to Labour Management Committee

Fully investigate the initial complaint and see if others are affected.	YES
Meet with the member (or members) and his or her steward to establish the basic facts surrounding the complaint	
Gather full information as soon as possible after the complaint, asking clear, non-judgemental questions, using the “5 W’s”: Who, What, Where, When, Why	
Really listen: Don’t jump to conclusions; be impartial; don’t interrupt; avoid distractions.	
Keep good notes	
Find out which other members may be impacted by the issues in the complaint, who they are and where they work	
Review relevant Collective Agreement language , policies and laws, and consult if necessary on interpretation issues	
Talk with other members who might be affected , with the help of complainant(s). Find out if there’s an issue and a proposal that most people would back.	
Consult with the stewards of the affected members, the Chief Steward, and the LEC when there appears to be competing interests between groups of members.	
Ask the complainant(s) how they would like to see the complaint resolved. Agree on the next steps.	
Take statements from witnesses as close to the event as possible – have them signed and dated.	

Prepare to present at LMC meeting	YES
<p>Decide on the issues for the meeting. This is normally done by the LEC or Unit Committee, possibly with help of staff rap, dealing with issues brought forward by stewards (see above)</p>	
<p>Review and organize the facts you have collected that are relevant to the issue at hand with the help of affected members and their steward(s). Clarify any details and advise them of the next steps.</p>	
<p>Research the arguments in support of the issues. Write down your Facts, Arguments and Resolution on a <i>FAR Representation Form</i>.</p>	
<p>Prepare resolutions acceptable to the complainant(s) that would settle the complaint.</p>	
<p>Union-side ERC Caucus prior to the ERC Meeting Review the arguments and the union positions and proposals. Anticipate possible employer reactions and constructive union responses.</p>	
<p>Decide who will speak on the issues at the LMC meeting – each item on the agenda should have one designated spokesperson. Coordinate any additional materials you may wish to bring for impact: buttons, signed petitions or postcards, etc.</p>	
<p>Talk with the Chief Steward, LMC caucus and LEC about a possible workplace campaign. The campaign should focus on the issues identified by the members relating to the complaint, and can either coincide with the LMC meeting or continue on an ongoing basis.</p>	
<p>When in doubt, commit to caucus. Deal with any internal issues before the meeting. Agree as a team to call a caucus during the meeting if an unforeseen issue arises. Never air internal disputes or tensions in front of the employer.</p>	

Present the issue and proposal to the employer at the LMC meeting	YES
The designated spokesperson speaks to the issue.	
Review the facts and the issues as you understand them. Ask the management team not to interrupt your review until you have finished.	
Ask, "Is there a dispute about any of the facts as presented, or are there relevant facts missing?" Take notes on any disputes and new facts offered by the Employer. When they have finished, determine if you need to consult with the affected members about any disputed or new facts before you move on to the argument part of your presentation. If you need to consult, ask for a brief caucus or adjourn the meeting to another mutually-agreeable time.	
If, in consultation with the affected members, different facts are established than those upon which your case has been built, then make any necessary changes to your arguments and resolutions.	
Clarify the impact the issue is having on the members. Present any of the additional materials you may have brought.	
Present your arguments and resolution to the employer side, once you are clear on the facts and have made any required alterations to the argument and resolution. E.g. "On the basis of the facts, it is our view that there are substantial problems, specifically X and Y, and we are proposing the following resolution."	
Establish specific dates for implementation of agreements, completion of further investigation, or responses back to the other party.	
Under certain circumstances, it may be helpful to advise the Employer what to expect should you fail to achieve a satisfactory resolution. However, this should be done with caution; you should raise it as an advisement of an avoidable consequence, and not to sound or feel like (or intended as) a threat.	

Follow-up after the meeting	YES
Follow up with the affected member(s) face-to-face to advise of LMC meeting outcome(s) and next steps (if any).	
Circulate approved minutes. Report on LMC developments in union newsletters or bulletins.	
If the issue is not resolved, review ways and means of continuing a campaign in a sustainable way that feeds into other local problem-solving forums (e.g. bargaining demand-setting process) and builds members' engagement with the union.	
Monitor management's actions on agreements. Do not assume that because it's signed off, management will implement the agreement as written. Communicate with the members who will be affected by the resolution, and let them be your eyes and ears as to whether the agreement is rolling out as it should.	
Communicate promptly with the Employer about any problems arising in the implementation of the agreement.	
Make sure that the Union is also compliant with any agreed-upon resolutions as well. Don't give the Employer an excuse to back out of their obligations.	
Implement a tracking system which includes (at minimum) the FAR form, notes from the meeting, how the issue is being referred forward, and agreed-upon dates for actions to be taken.	
Share this tracking data with the LEC and stewards, and keep it up to date.	
Ensure that data from settled and unsettled LMC agenda issues is copied to the Bargaining Committee.	

Moving individual complaints to workplace issues: Questions for Stewards

The following are a list of basic questions helpful for stewards who want to see if an individual complaint is a workplace issue.

These questions are support to you: you may find other questions that are more useful in the particular situation.

1. How are you affected by the situation?
2. Why are you affected this way?
3. What is different about these circumstances from your normal circumstances?
4. Are your normal circumstances a problem as well?
5. What are you doing now to deal with this situation?
6. Who else can tell us about this situation? What can they tell us?
7. Is this an issue for anyone else in the workplace? If so, who? How do you think they are affected?
8. Would you be willing to help us talk to others affected by this situation? If so, what's the best way to approach them?
9. What do you want to happen to correct the situation for yourself? For other people?

Not all of these questions need to be asked in every situation. Sometimes they may need to be asked more than once.