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# Steward's Glossary

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## **Agency Shop**

A provision in a collective bargaining agreement which requires that all employees in the bargaining unit who do not join the union pay a fixed amount monthly, usually the equivalent of union dues, as a condition of employment.

## **AFL-CIO**

The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) is a democratic, voluntary federation of 55 national and international labor unions that represent 12.5 million working men and women. They bring unions together to fight and ensure all working people are treated fairly, with decent paychecks and benefits, safe jobs, dignity, and equal opportunities.

## **Arbitration**

Where it is available, a method of settling a labor-management dispute by having an impartial third party hold a formal hearing, take testimony and render a decision.

## **Authorization Card**

A form voluntarily signed by an employee whereby the employee authorizes a labor organization (Union) to represent the employee for the purpose of collective bargaining. Some cards will also state that the employee desires an election to be held to determine whether or not the Union has the full support of the majority of the employees in the bargaining unit.

## **Bargaining Unit**

Group of employees recognized by the employer or group of employers, or designated by an authorized agency as appropriate for representation by the union for purposes of collective negotiations. A bargaining unit is usually defined by the National Labor Relations Board, or similar federal, state or local agency.

## **Boycott**

A concerted refusal to work for, purchase from, or handle the products of an employer. Where the action is directed against the employer directly involved in the labor dispute, it is termed a primary boycott. In a secondary boycott, the action is directed against a neutral employer in an attempt to get that employer to stop doing business with the company with which the union is having a dispute. *Secondary boycotts are illegal under the Taft Hartley Act.*

## **Card Check**

Procedure whereby signed authorization cards are checked against a list of employees in a prospective bargaining unit to determine if the union has majority status. The employer may recognize the Union on the basis of the card check without the necessity of a formal election. Often conducted by an outside party.

## **Certification**

Official recognition by a labor relations board that an employee organization is the exclusive representative for all the employees in an appropriate bargaining unit for the purposes of collective bargaining.

## **Charge**

A written statement of alleged unfair practices. Filing a charge with the NLRB is the first step in an unfair labor practice proceeding. If the NLRB or relevant labor board decides to take up the charge, it will issue a formal complaint to start a unfair labor practice hearing.

## **Check-Off (Payroll Deduction of Dues)**

An arrangement under which an employer deducts from the pay of employees the amount of union dues they owe and turns over the proceeds directly to the union.

**Closed Shop**

An agreement between an employer and a union that, as a condition of employment, all employees must belong to the Union before being hired. The employer agrees to retain only those employees who belong to a union. Closed shop agreements were declared illegal by the Taft-Hartley Act.

**Collective Bargaining**

Negotiations between an Employer and Union, representing a group of employees, that determines the conditions of employment. The result of Collective Bargaining is a contract. Collective Bargaining is governed by Federal and State Statutory Laws, Administration Agency Regulations, and Judicial decisions.

**Concerted Activity**

Actions taken by an employee or employees (generally on behalf of fellow-workers) in order to improve their working conditions or benefits. Bargaining law considers this type of activity protected from retaliation.

**Decertification**

Removal by the National Labor Relations Board or relevant labor agency of a union's certification as the exclusive bargaining representative.

**Duty of Fair Representation**

A union's obligation to represent all people in the bargaining unit as fairly and equally as possible. This requirement applies both in the creation and interpretation of collective bargaining agreements. A Union Steward, for example, may not ignore a grievance which has merit, nor can that grievance be processed in a perfunctory manner. It should be noted, however, that the employee in the bargaining unit has no absolute right to have a grievance taken to arbitration. The union is obligated to give fair representative to all union members, and also to collective bargaining unit members who have not joined the union in "right-to-work" states or in public service units.

**Family Medical Leave Act**

Federal law establishing a basic floor of 12 weeks of unpaid family and medical leave in any 12-month period for the birth or adoption of a child, to care for an immediate family member with a "serious health condition", or to receive care when the employee is unable to work because of his or her own "serious health condition."

**Grandfather Clause**

A contract provision specifying that employees placed on the payroll before a specified time will retain certain rights and benefits even though newer employees are not entitled to these rights.

**Grievance**

Any type of worker dissatisfaction including violations of the collective bargaining agreement, violations of law, violations of employer policies, violations of fair treatment, and violations of past practices. The definition of a grievance is usually part of the contract, and therefore may vary from one contract to another.

**Grievance Procedure**

A procedure usually established by a collective bargaining agreement to resolve disputes, problems or misunderstandings associated with the interpretation or application of the collective bargaining agreement. It consists of several steps with the last step of the procedure, usually being arbitration.

**Group Grievance**

A grievance signed by many people in a workplace in order to show management that members are united in their opposition to a management's action.

**Informational Picketing**

A type of picketing done with the express intent not to cause a work stoppage, but to publicize either the existence of a labor dispute or information concerning the dispute.

**Just Cause**

A reason an employer must give for any disciplinary action it takes against an employee. An employer must show just cause only if a contract

requires it. Most contracts have just cause requirements which place the burden of proof for just cause on the employer.

### **Lockout**

Shutdown of worksite by the employer to discourage union membership or activity to force employees to meet the demands or economic terms of the employer.

### **Made Whole**

A catchall phrase used in grievance or other legal action where a remedy is sought from an employer. Often used in discharge and discipline cases where the union seeks to have a worker, who had been wrongly terminated or disciplined returned to work and reimbursed all wages, benefits, or other conditions lost due to an employer's unjustified action.

### **Movement Building**

Working with other groups outside of CWA to build a multi-racial, multi-generational, working class base of people who can challenge corporate power and fight for dignity, respect.

### **National Labor Relations Act of 1935 (NLRA)**

The federal act, also known as the Wagner Act, guarantees private-sector employees three things: **1)** the right to form a union and engage in collective action; **2)** requires employers to negotiate with the union; and **3)** requires employers to provide certain information. The Act also established the National Labor Relations Board (NLRB) and defined unfair labor practices (ULP). It was amended by the Labor Management Relations Act of 1947 and the Labor Management Reporting and Disclosure Act of 1959.

### **National Labor Relations Board (NLRB)**

Agency created by the National Labor Relations Act (1935). The functions of the NLRB are to define appropriate bargaining units, to hold elections to determine whether a majority of workers want to be represented by a specific union or no union, to certify unions to represent employees; to interpret and apply the Act's provisions prohibiting certain employer and union unfair labor practices; and otherwise administer the provisions of the Act.

### **National Mediation Board (NMB)**

Established under the Railway Labor Act, the NMB conducts representation elections, regulates major disputes, and appoints arbitrators and boards to decide minor disputes in the railway and airline industry.

### **Occupational Safety and Health Act (OSHA)**

The Law which authorizes the OSHA agency to set standards, obligates employers to provide a safe workplace, and provides for enforcement of the standards.

### **Past Practice**

A customary way of doing things not written into the collective bargaining agreement. Past practices can sometimes be enforced through the grievance procedure if the practice has been long-standing, consistent, and accepted by the parties.

### **Phone Banking**

The organized calling of large numbers of members to inform them of a union policy or action or to gather information. This is often done by members volunteering who come into the union hall and call members to move them to action on an issue.

### **Picketing**

The carrying of signs or the passing out of literature protesting working conditions or actions taken by the employer. Picketing occurs during a strike, or in the form of an informational picket. In this tactic, designed to put pressure on the employer, union members inform the public and other workers about the conditions they feel are unfair.

### **Political Action Fund**

A non-partisan political action committee that fights for workers' political power. Members' chance to have a voice on the issues they care about at the local, state, and national levels of government. Voluntary contributions to the fund go toward policies and candidates that champion workers' rights.

### **Railway Labor Act of 1926 (RLA)**

This law regulates labor relations in the railway and airlines industries, guaranteeing workers in these industries the right to form a union and bar-

gain collectively. The RLA severely controls the timing and right to strike. Also, bargaining units under the RLA are usually nation-wide, making it more difficult for workers to form a union.

### **Rank and File**

The members of a union. The source of our union's power.

### **Recognition**

The employer's acknowledgement of a union as the exclusive bargaining agent for the employees, given either voluntarily upon evidence of an employee petition, or by legal requirement after an election conducted the government.

### **Right-to-Work (For Less)**

Anti-union term coined to describe state laws that make it illegal for a collective bargaining agreement to contain clauses requiring union membership as a condition of employment. So called "right to work" laws encourage the use of "free riders" by forcing union members to subsidize the benefits of collective bargaining for people not willing to pay their fair share.

### **Scab**

A person who continues to work, or who accepts employment, while the workers are on strike. By filling the jobs of striking workers and keeping the employer operational, scabs may weaken or help break the strike.

### **Sexual Harassment**

Any unwanted comments, looks, suggestions, advances or physical contact based on sex. Sexual harassment is against the law when it is so frequent or severe that it creates a hostile or offensive work environment, or when it results in an adverse employment decision, such as firing or demoting the victim.

### **Strike**

Temporary stoppage of work by a group of workers (not necessarily members of a union) to express a grievance, enforce a demand for changes in conditions of employment, obtain recognition, or resolve a dispute with management.

### **Taft Hartley Act**

The Taft Hartley Act of 1947 was an amendment to the NLRA which prohibited jurisdictional strikes, wildcat strikes, solidarity strikes, secondary picketing, and outlawed closed shops – giving workers the right to decline to join a union.

### **Unfair Labor Practice (ULP)**

Action by either an employer or union which violates certain provisions of national or state employment laws, such as a refusal to bargain in good faith.

### **Union Activist**

Union members who are active and involved to make sure the union thrives, meets the needs of its members, and is a force for social and economic justice. CWA Activists play a critical role in advancing our Political/Legislative, Human Rights, Health & Safety, and Organizing programs.

### **Union Label or Bug**

A stamp or tag on a product or card in a store or shop to show that the work is done by union labor. The "bug" is the printer's symbol.

### **Union Shop**

A form of union security provided in the collective bargaining agreement which requires employees to belong or pay dues to the union as a condition of retaining employment. It is illegal to have a closed shop which requires workers to be union members before they are hired. The Union shop is legal, except in so-called "right-to-work" states, because it requires workers to join the union or pay dues within a certain time period after they are hired.

### **Weingarten Rights**

The rights of employees covered by the NLRA to request union representation during investigatory interviews if they reasonably believe that the interview could result in discipline. Weingarten rights also guarantee the rights of union representatives to assist and counsel employees during interviews which could lead to discipline.

**Workplace Action**

A concerted activity by employees designed to put pressure on the employer without resorting to a strike. Examples include: wearing T-shirts, buttons, or hats with union slogans, holding parking lot meetings, collective refusal of voluntary overtime, reporting to work in a group, petition signing, jamming phone lines, etc.

**Work-to-Rule**

A tactic in which workers agree to strictly follow all work rules, even those which are usually not followed. The result is that less work is performed or that the employer is forced to deal with more paperwork, putting pressure on the employer to settle workers' complaints. Some, but not all, work-to-rule campaigns are considered slowdowns, and may violate no-strike clauses in particular contracts or public sector laws.