

LEGAL RIGHTS AND RESPONSIBILITIES

DUTY OF FAIR REPRESENTATION

The duty of fair representation is the legal duty of a union to represent all of the workers in a bargaining unit equally and in good faith.

This duty requires that the union act fairly, impartially, and without ill will or discrimination when considering a worker's grievance. The union is required to take reasonable steps to investigate a grievance and must represent members objectively.

The duty requires three things on the part of the union:

- all members will be represented without discrimination
- discretion will be exercised with good faith
- the union will not act arbitrarily

The duty of fair representation does not require the union to pursue all grievances until the final possible stage of the grievance procedure or to take all the steps that the member might want it to. It does require that the union's decisions on whether to process a grievance or go to arbitration be objective and based on the facts of the case, not arbitrary feelings about the grievant.

As a steward, remember to:

1. Treat all members equally.
2. Never discriminate against a member based on race, gender, sexual orientation, political affiliation, religion, national origin, or other reason.
3. Do a thorough investigation of the facts of the possible grievance and be sure to keep good records of your investigation.
4. Have an honest, transparent process about whether you intend to process a grievance and your objective rationale.
5. File grievances within timelines.
6. Consult with veteran stewards and union staff if you are handling a situation that you are unsure about.