

# STEWARD'S ROLE DURING THE EMPLOYER'S INVESTIGATION

## 1. REPRESENT AND PROVIDE ADVICE

- Talk with the employee. Be sure to get time before the meeting. Advise the employee of their rights.
  
- Let the employee know that what is said during the investigation can be used in disciplinary and legal actions.
  
- Tell the employee to think carefully before answering the employer's questions.
  
- Advise the employee to be certain of his/her answers. If the employee is not absolutely sure what to answer, he/she can say, "I don't know."
  
- Advise the employee to make short answers and not to ramble.
  
- Advise the employee not to volunteer information and stick to answering the specific questions.
  
- Let the employee know what your role in the meeting will be, i.e., to take accurate notes of what is said and to help the employee when necessary.
  
- Let the employee know that if he/she becomes confused or feels intimidated, you will interrupt the meeting.
  
- Advise the employee that if he/she chooses to remain silent during the investigation, this could lead to disciplinary action for insubordination.

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## 2. BE AN ADVOCATE FOR THE EMPLOYEE DURING THE INVESTIGATION

- Write down the time the investigation began and ended making note of any breaks taken and the lengths of the breaks.
- Ask for clarification when words, accusations or statements seem unclear, or misunderstood.
- Call for a caucus if the employee seems confused or if the investigation appears to be getting out of hand.
- Write down the question word for word (ask for a copy of the employer's questions if they are already printed out).
- Write down the employee's complete answer. Do not let the employer go on to the next question until you are ready.
- Don't allow the employer to go on a "fishing trip."

*(Note: Include copies of all investigation notes in the grievance file. Even if the notes are eventually typed up, the original notes are necessary.)*

# STEWARD'S ROLE DURING THE EMPLOYER'S INTERVIEW

## 3. MONITOR THE EMPLOYER'S INVESTIGATION

- Closely watch how the employer handles the investigation. The investigation is to be fair and objective.
  
- The employer is not to be asking leading questions - when did you stop beating your wife type of questions.
  
- This is the employer's meeting, but the Steward's role does not have to be passive. The Steward can object to a line of questioning. The Steward can call a caucus during the investigation to advise the employee. The Steward can ask for clarification of either the question or answer to a question.
  
- The employer may choose to tape the interview. The Steward is to advise the employer that the Union requires a transcript of the tape.
  
- Keep all information confidential.