

## V: THE DUTY OF FAIR REPRESENTATION

When the union wins a representation election, it gains a special status — it is certified as the exclusive representative of all employees in the bargaining unit. The union has the authority to negotiate and administer the contract and address issues concerning the terms and conditions of employment. With this status comes a responsibility known as the duty of fair representation. This duty is not found in a particular law or statute; rather, it is the result of several court decisions that have been handed down through the years. Simply put, the union has the duty to fairly represent all employees in the bargaining unit, regardless of whether they are members, agency fee payers, or non-members. (Some state laws modify this basic principle, so check the labor laws in your state.)

To meet this responsibility, follow this principle: *Investigate, file and process your grievance cases based on the merits of the grievance, not the merits of the grievant.* There cannot be any discrimination, obvious negligence or an arbitrary decision to drop the case on the part of the union. On the other hand, the union has no obligation to take up frivolous grievances that have no merit.



### **Bright Ideas** **Representation Responsibilities**

- Fully investigate possible grievances to determine if they have merit.
- Follow the time limits in your contract's grievance procedure.
- Keep accurate, written records of each grievance.
- Be a strong advocate for all members of the bargaining unit throughout the grievance procedure.
- Keep the employee informed about the status of the grievance at all steps of the process.
- Always allow the grievant to submit additional evidence or data.
- If the union decides to drop a grievance for lack of merit, or other reason, notify the grievant as soon as possible — in writing.
- Locals or councils (whichever is the certified representative) should have an internal appeals process. Notify the grievant — in writing — about this process and how to appeal the union's decision to drop the grievance.