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It Takes a Village to Contain a Monster

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PICTURE A SCENE FROM AN OLD HORROR MOVIE – THE VILLAGERS, ARMED WITH PITCHFORKS, working together to defeat a looming monster. **As residents of the APWU “village,” abusive postal managers are the “monsters” that make our work lives miserable.** In order to fight our villains, pitchforks may not be the weapon of choice, but we *are* **armed with our best defense: our union contract!**

Our ‘Pitchforks’

The Collective Bargaining Agreement is a potent weapon. A copy of the 2010-2015 Tentative Agreement between the union and management is in your ratification packet, along with your ballot. Read it – and cast your vote! Articles 3, 14, and 19 of the Collective Bargaining Agreement (CBA) can be particularly helpful in combating managerial abuse.

Article 3 requires abusive managers to comply with postal regulations, laws, and the Collective Bargaining Agreement.

Article 19 enforces handbooks, which impose working conditions, such as Codes of Conduct.

♦ **ELM 665.24 ensures the basic rights of a safe and humane working environment. It sets a strict “no tolerance” policy when it comes to workplace harassment, intimidation, threats, or bullying by anyone at any level. Violations can result in removal.**

♦ **ELM 665.16** declares that employees must not engage in disgraceful conduct and are expected to maintain harmonious working relations; in other words, **it bars managers from doing anything that may create an unpleasant working environment.**

♦ **ELM 665.23** prohibits supervisors from taking a direct or indirect action or course of conduct that subjects any person to discrimination.

♦ **ELM 666.17 prohibits supervisors from taking – or failing to take – any personnel action as reprisal because an employee exercised any appeal rights granted by law, rule or regulation.**

♦ **ELM 665.13** states that all employees are expected to perform their assigned duties conscientiously and effectively.

♦ **ELM 811.23** guarantees all employees – the Postal Service’s most valued resource – a safe and healthy workplace. **Section 24C declares that management and line supervisors are responsible for maintaining good employee relations.**

♦ **EL 801** also requires line supervisors to maintain good employee relations.

♦ **ELM 824.6 and 632e** outline the purpose of Form 1767, which is used to report hazardous working conditions, as well as follow-up procedures. (Emotional stress that results from working conditions may cause medical conditions that should be reported. Be careful using the word “stress,”

however. The term “hostile environment” may be better.)

Article 14 imposes on management the responsibility to provide safe working conditions, **as well as the union’s obligation to ensure compliance.** Once health and safety hazards are reported, they must be investigated immediately and corrected *during the reporting employee’s tour of duty:* As the contract says, health and safety issues must be given priority.

Article 14.2 dictates that *health and safety issues be given special priority handling.* Health and safety grievances may be appealed directly to Step 2. If these grievances are denied, they should *not* be appealed to Step 3, and they should not be “remanded” for further consideration by the local parties.

In small offices, the union should request that a Joint Labor-Management Safety and Health Committee be formed, or the local should place safety and health issues on the agenda of regular Labor-Management Meetings.

Although OSHA, the Occupational Safety and Health Administration, has no standards for “workplace violence,” **reporting unsafe practices, disorderly or menacing conduct, and harassment can be related to OSHA pursuant to 1977.9(c) of the Occupational Safety and Health Act. Section 11.C. (1) prohibits discrimination or discipline for reporting unhealthy conditions.**

The ‘Village’

When faced with an unsafe working environment or an abusive manager, union members must take the first action by filing a Form 1767 reporting the abusive boss.

For example, the report could read: “Supervisor [name] continues to violate ELM Chapters 6 and 8 by harassing, intimidating, threatening and bullying employee(s) and is creating unsafe, unhealthy working conditions when on [date], [supervisor] did the following...” The completed form must be submitted to the safety manager. Provide a copy to the union.

Stewards must investigate, document, and attempt to solve the issue promptly. Remember, by working together, we can contain these work floor monsters!