

# STEWARD'S REPORT OF HEARING - DISCIPLINE HEARING

**For Union Use Only**



Grievant:	Classification:	Grievance # / Date
Steward:	Employer:	Domicile:

**Instructions to Steward:** Complete this report at the Initial Disciplinary Hearing. Attach this sheet to the Union's copy of the grievance and pass it to the Union Agent.

Date of Hearing: \_\_\_\_\_ Location of Initial Disciplinary Hearing: \_\_\_\_\_

For the Union (Present at hearing)	For the Employer (Present at hearing)

**Steward:** In discipline cases the Employer is required to give it's complete case and all evidence against the member at the time of discipline. Take careful notes in the space provided below . Ask for copies of any statements or evidence referred to by the Employer. When the Employer is finished presenting it's case, ask questions to determine if they have met the 7 tests of just cause. (See quick guide on back)

Date of Discipline \_\_\_\_\_ Time \_\_\_\_\_ ☐ AM ☐ PM

1. Ask the Employer: *"What discipline do you wish to impose on the grievant?"*

☐ Termination   ☐ Suspension   ☐ Warning   Other: \_\_\_\_\_

2. Ask the Employer: *"What did the employee allegedly do or fail to do to warrant the proposed discipline?" (Write down what the employer representative says word for word—take your time.)*

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Outline of Employer's Case against member	Outline of Union's Initial Response if any

Use additional sheets as necessary

# Steward's Guide – 7 Tests of Just Cause

After the Employer has finished presenting their case against the member, ask questions to determine if their case satisfies the 7 tests of just cause outlined below. Take notes under each item. (Use a separate sheet if needed)

1. **Notice:** Determine if the employer provided reasonable notice of the rules and/or standards they feel have been violated by the member and did they give notice of the possible disciplinary consequences of violations.

2. **Consistency.** An employee may not be penalized for violating a rule or standard that the employer has failed to enforce for a prolonged period. Try to determine if the employer has acted consistently on the issue at hand.

3. **Due process.** Did the employer adhere to workplace due process including?

Was there a pre-disciplinary interview with the member?

Did the employer take timely action?

Has the employer given a precise statement of charges?

Has the employer adhered to contractual procedures?

Is the employer attempting to impose double discipline?

Other?

4. **Substantial Proof.** Is there substantial and credible evidence of wrong doing? (Were all witnesses interviewed? Were all relevant documents reviewed? Ask for copies of all evidence. List the witnesses here and attach the documents presented by the employer).

5. **Equal Treatment.** In the absence of a valid distinction, an employer may not assess a significantly higher penalty than has been assessed against others charged with the same offense. Is the proposed discipline equal?

6. **Progressive Discipline.** Other than in cases involving extreme misconduct, or where the contract mandates a particular penalty, did the employer apply progressive and corrective discipline?

7. **Mitigating and Extenuating Circumstances.** Penalties must be commensurate with the seriousness of offenses, with account taken of the employee's record and other mitigating and extenuating circumstances. Did the employer give proper weight to the employee's past record and all other mitigating or extenuating circumstances?