

FEDSMILL

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WHAT UNION REPS CAN DO THAT EMPLOYEES CAN'T

All employees do not have equal legal rights. Union representatives have far more rights than most. In fact, they have far more rights than the average manager. So, if you hear anyone asking the question, "What Can the Union Do for Me?" here is just a short list of the powers a union rep can put to work for employees the minute a union is certified in an election.

1. Union representatives have more rights to management information than an individual employee does. Federal law entitles them to any information that is "reasonable and necessary" for them to represent employees in grievances, discipline investigations, bargaining, and with the Congress. Individual employees not represented by a union have no such right. For example, unions can get access to the employer's financial data to see whether it is distributing bonuses fairly, files showing how final promotion decisions were reached, and even check over leave or overtime records to see that everyone is treated equitably. In other words, if an individual wants to know what "really" led to some workplace decision, unions have more right to the facts than individuals.
2. Union representatives have the right to sit with an employee when management is interrogating the employee for some alleged infraction of the rules. They can even advise employees about how to answer questions and when the management interviewer might be bluffing or even lying. No individual employee has a right to bring her friend, spouse or even private attorney into a management investigation. Individuals without union representatives have to go through investigations alone.
3. No significant change in policy, practice or other working conditions can be made in an office unless the union leadership is notified in advance of all the details and is satisfied that employees have been protected from the adverse effects of the change. In other words, everything stops until the union's right are respected—and if management ignores that it can be required to reimburse employees for any damages done them. The individual has no right to stop, influence or even question management changes.
4. Individual employees have limited rights to speak to the press about some immoral, unethical or just unwise things management is doing. Often management can fire them for doing that. But, unions have the statutory right to speak to the outside press about anything happening in a plant or office. In other words, unions can get a story out to the media when employees cannot.

5. If management violates an employment law, rule, regulation, past practice or agreement, a union can haul it before an outside neutral arbitrator, and force management to correct the violation. In comparison, individuals have to rely on management's goodwill to fix problems unless they can convince another federal agency to help them—and then hope that no one retaliates against them for doing it.
6. An individual employee can do nothing if she thinks her manager is lying to her. But, a union representative can ask an arbitrator to put the manager under oath, cross-examine her, and even call witnesses to the stand to testify.
7. Unions have the right to talk to management about any employment matter and put pressure on it if it will not make a change. Employees have no right to do either.
8. Union representatives have the right to stop managers from making special, private deals with employees they favor that give those employees extra benefits, privileges, and other advantages.
9. Unions can speak up at formal management meetings between managers and employees to challenge the truth of what management is saying or to give employees alternative advice. No individual employee has a right in law to do that.
10. Unions can survey employees to see what they know or just to get their opinion about some manager or management action. They can even publish the results to all employees and others. No individual employee has a right to poll co-workers.

If you do not have a union, think about what you are missing. If you already have one, don't be shy about asking for its help.

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