

STEWARDS CORNER

Newsletter for Union Stewards and Grievance Chairs

They Never Told Me That! Fair Notice & Just Cause

Part 1 in the Series: “Breaking Down the Tests of Just Cause”

Let’s talk about Angela, a production worker with 11 years of experience on the job, a spotless work record, and the respect of her coworkers. It was a sweltering July afternoon when she started to feel lightheaded from the heat on the line. She briefly stepped away to cool off in a breakroom with air conditioning, which is something workers do when the temperature and humidity are too much to handle.

Angela told her coworker she was going to take a few minutes to cool down, just like everyone else does. That’s how it’s worked for years: no formal sign-out, no buzzer, just basic communication and trust.

But this time was different. A new supervisor saw Angela in the breakroom and he blew a gasket. The next day, she was written up for “leaving her work area without authorization.” Apparently this supervisor wanted everyone to get permission directly from him, even though that had never been the standard.

So, what changed? Why was Angela suddenly disciplined for something that had always been handled informally and without any issues? A new supervisor arrived with different expectations but did not provide workers with clear, updated guidance. That’s not fair discipline; it’s a failure of notice, the first test of just cause.

What Does Notice Really Mean?

For management to fairly discipline someone, they must prove that the worker:

1. Knew what the rule or expectation was;
2. Understood what was required of them;
3. Was aware that violating the rule could result in discipline.

If management didn’t communicate those expectations clearly and consistently, then they fail the notice test and their case starts to fall apart. This is an important element in the due process or procedural justice that collective bargaining secures for workers. Having to show “just cause” to discipline or terminate a worker

means that employers cannot arbitrarily issue write-ups or suspensions – they must treat everyone the same.

They Should Have Known Isn’t Always Good Enough

What’s the difference between Angela and someone who shows up to work intoxicated or threatens a coworker? The latter instances are obviously wrong—nobody can reasonably expect intoxication or making threats to be acceptable conduct at work—while Angela’s issue comes down to a workplace norm that often varies by supervisor, shift, and worksite.

In Angela’s case, there was neither a posted rule nor a department-wide notice. Management didn’t begin shifts with safety talks or handouts about leaving the line. And most importantly, there is no history of enforcement when workers cool off during heat waves.

Real-World Grievance: The Cell Phone Crackdown and Negative Notice

In another case, a steward grieved a write-up against a member for using their phone on the floor. The company did have a policy against personal cell phones, but it had been loosely enforced for years. Workers listened to music, checked text messages, and management disciplined nobody. This happened in plain sight of supervisors and they never said a word.

That’s negative notice: when management fails to enforce a rule so consistently that employees reasonably believe it no longer applies.

To make matters worse, the only person management disciplined was the worker who had just spoken up in a safety meeting. The worker engaged in the same behavior as everyone else but was suddenly punished.

That’s not just a problem with notice. It’s also a preview of a future article on unequal treatment.



Steward's Checklist: Challenging Notice

- ✓ Is the rule in writing, and is it accessible?
- ✓ When was it last communicated or reinforced?
- ✓ How has the rule been enforced in the past?
- ✓ Is there a clear shift in expectations with new management?
- ✓ Has the conduct been tolerated or informally accepted?
- ✓ Is this truly egregious conduct—or just newly inconvenient?

they didn't know existed or that weren't consistently enforced. If you have questions about how management at your workplace is justifying disciplinary action, reach out to your local union leadership or your USW Staff Representative.

Bottom Line

Discipline should never be a trap. If the goal is a safe, productive workplace, then its rules must be communicated fairly, enforced consistently, and understood by everyone. When management skips that step, they fail not only the notice test but also the trust test.

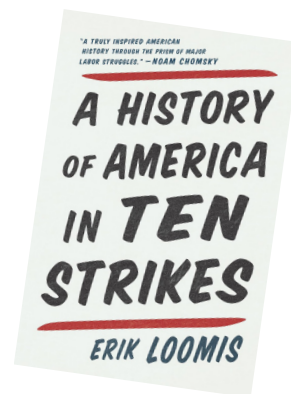
As stewards, it's our job to expose these gaps and protect our coworkers from being punished for rules

TEACHING TUESDAYS

The Education Department is proud to present "Teaching Tuesdays" as a series of classes that USW members can attend from the comfort of their homes.

All classes are held at either 11 a.m. or 8 p.m. EST, so if you are interested in attending one of the classes please click on the time that you can attend. Sessions run for 90 minutes. Click on the link or use the QR code to see the upcoming calendar of events.

<https://usw.org/get-involved/education/teaching-tuesdays/>



Check out our ongoing monthly series of discussions on *A History of America in Ten Strikes* as part of our Teaching Tuesdays sessions.



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