

Investigation Basics

Investigating members' concerns is one of the steward's most important jobs. It may sound tough to do, but common sense, courage to stand up for what's right, and a few rules will assist you.

When a worker comes to you with a complaint, the first thing to do is to get the facts.

Only then can you decide if it's a grievance or not. Use the Union Fact Sheet to make sure you are covering all bases and to keep your information organized.

Interview the worker with the complaint. Listen to their story patiently. Then ask specific questions. Remember the 6 Ws. Don't be satisfied with statements like, "The supervisor's picking on me," or "They're giving us too much work."

Sometimes workers take it for granted that you understand their jobs, and forget to give you vital facts. Make it a point to ask about their work routine. Find out how they work, what processes or machines or shifts there are and how they operate. Or sometimes the worker will skip the part of the story that might weaken their case. If you're to deal successfully with their complaint, you need to know the full story, good and bad.

Have the member write down their story in their own words (in addition to the notes the steward makes when interviewing the member). They should include names, dates, places, and actual quotes of things they have heard or were told. Have them date it and sign it.

Investigate promptly and document thoroughly. If your collective agreement or workplace practice requires you to get your supervisor's permission to stop working to investigate, do so. Or make arrangements to talk to the member the first moment you have some free time.

Memories fade quickly as time passes. If this issue is a grievance, it may take months to move through all the steps in the process. Other stewards and union staff may get involved. They will rely on your notes and research to understand the situation. Make sure you are creating a record that is easy to read and easy to understand.

Collect statements from all available witnesses. If you can, get statements in the witnesses' own handwriting which are signed and dated. If not, prepare statements yourself after the interviews, and have the witnesses sign and date these.

Interview not only the witnesses who support the member with the complaint, but also those who don't. You need to do this in order to find out what really happened. And you need to know what you are up against. It is also helpful if the matter ends up at arbitration:

you will know if a witness testifying for the employer changes their story and can take steps to undermine the evidence.

Gather other relevant information. If necessary, take a look at the work area and draw a diagram of the placement of workers, equipment, managers, members of the public, and so on. Collect other related documents. Get the member's written permission to look at their personnel file and have the employer give you copies of the documents you want for the union's record.

Relevant documents could include:

- Seniority list
- Job posting
- Pay stub or advice
- Time sheets
- Vacation or other leave requests/approvals
- Employer policies
- Performance reviews
- Disciplinary letters

Conducting an Interview

A. Do your homework:

- Familiarize yourself with the story as you know it so far. Review relevant collective agreement articles and written policy.
- Think about what information or explanations you would like to get from the interview. Prepare a list of questions.
- Think about who else, besides the member in question, might have information and prepare to talk to them, too.

B. Prepare for the interview:

- Select a quiet, private place for the interview.
- Plan to have plenty of time for the interview.
- When appropriate, use a team of one interviewer and one note-taker (especially in high-importance cases, like harassment).
- Don't record interviews unless you have a disability that makes note-taking difficult, and then remember to tell the interviewee up-front that you are using a recording device. Be prepared for someone to refuse to talk to you if they are being recorded.
- Turn off your cell phone and ask the member if they will do the same.

C. Conducting the interview:

- Explain that you need to take notes so that the union can work effectively on the member's issue.
- If the member seems nervous, try to put them at ease by beginning with a general or easy question.
- Start off by asking open-ended questions. "Tell me what happened" is better than "Did the supervisor threaten you?" "Tell me what you heard then" is better than "And you didn't hear anything else at that point?" Once the member has had a chance to tell their story, you can ask more specific questions (such as those needing only a "yes" or "no" answer) to confirm details.
- Always ask if there is a way to corroborate the story, such as a witness or document. Be prepared to check out any leads and re-interview people if necessary.

- Avoid asking questions which cover more than one topic in a single sentence, such as, "Do you know Bill, and does he work with you?" The person being interviewed can misinterpret, forget, or only answer part of the question. And if they answer the entire question with the single word "yes", you cannot be sure which part they were responding to.
- Don't worry if you don't precisely follow your list of questions. Go with the flow of the interview. Use the list to remind you of questions to return to.
- Don't be afraid to ask the person to pause speaking until you've finished writing down what they've just said. Don't be afraid to take a moment to return to your list of questions or to think before asking the next question, if that's what you need to do to stay on track.
- Listen! Let the subject talk when they want to talk.
- Don't lose your temper and or allow the interviewee to "get under your skin."
- When the member has finished telling their story and you have finished asking questions:
 - Ask if they have anything they'd like to add or that they've just remembered about the situation.
 - Give a verbal summary of what you have heard to ensure accuracy. Invite the member to make corrections.
 - Let the member know that you may need to call them later for more information, and be sure to get their contact information.
 - Ask the member to also write out their story. Say that once you have their written account, you will be able to begin work on their case. Providing a written account is a means of involving the member in solving their own problem.

D. Keep an open mind:

- Be prepared to hear and record evidence that disproves the member's story as well as proves it.
- Check your own assumptions and biases. Make sure you don't misunderstand the situation or reject some of the facts because they are outside of your own experience.
- Think about whether employment status, literacy levels, gender, race, age, or disability is playing a role in this situation and how.
- Analyze all statements critically. Look for exaggerations, inconsistencies, and issues that the interviewee seems to be avoiding, and ask further questions.

- People routinely leave details out, sometimes on purpose. Be alert for this and be prepared to re-interview or do more investigation to fill in any gaps.

Documenting an Interview

Taking good, easy-to-read notes is important because someone else may need to read and use them in the future. For example, somebody else may handle the next step of the grievance process and any arbitration.

With the passage of time, things not (clearly) written down are forgotten. You might not be around to interpret your handwriting or abbreviations.

Good notes contribute to successful problem-solving and well-run arbitrations. Good notes help our union represent members fairly and effectively.

Tips:

- Label what the meeting or discussion is about, the date, time, and location. List the full names of who was present in what capacity. Then use initials in the body of your notes to show who said what.
- Take accurate notes. You don't have to write down every word you hear, but pay attention to the main points and try to write these down in the speaker's own words. Use quotation marks (" ") to indicate exact words.
- If you use your own words, don't change the meaning.
- If you include your own assessment of the situation or a gut reaction, make sure you label it as your opinion. E.g., ("My opinion: The manager is hiding something.")
- If you're not sure what someone meant, ask for clarification. Record the question and the clarification.
- Don't worry about missing a point. Leave space and try to pick up the material later, either through follow-up questions or reviewing someone's notes.
- Don't erase a mistake and don't black it out completely. Draw a single line through it. This saves time and you may discover later that you want the mistake.
- Use a system of punctuation and abbreviation that makes sense to you.
 - Call attention to important words or phrases by underlining or circling them, or by putting a symbol like ! in the margin.

- Use symbols to flag points for yourself, such as:

??	Needs clarification, verification
*	Follow-up
→	To connect related issues or points

- Some note-takers leave a wide (2" or so) vertical margin down one side of each page. Use this space to make notes to yourself about the discussion, such as issues to follow up, points to discuss in caucus, points that need clarification.
- Don't keep notes on oddly shaped pieces of paper. Use standard 8 ½" x 11" sheets of paper.
- As soon as possible after taking the notes, read them over. Fix errors, fill in blank spaces, and make necessary elaborations while the event is still fresh in your head. Remember, we forget quickly. If you spot something you should have asked but didn't, follow up and ask.
- Keep notes in order and in one, secure place.

Some commonly used symbols and abbreviations:

Symbol or abbreviation	Meaning
&	And
#	Number
=	equal to, is the same as
b4	Before
w/	With
w/o	Without
>	greater than
<	less than
i.e.,	that is
vs.	versus, as opposed to
e.g.,	for example
etc.	et cetera
Q.	Question
b/c	Because
CA or CBA	Collective agreement
ER	Employer
EE	Employee