



# Stewards

## Just Cause Defined

The following questions should be asked in order to establish whether a situation meets the standards of Just Cause. The questions reflect standards frequently applied by arbitrators.

**Was the employee warned in advance?** In many cases, a rule that hasn't been enforced in the past cannot be involved for purposes of discipline or discharge without a clear warning in advance.

**Were progressive or graduated discipline applied?** This follows from the previous point: The penalty is expected to increase for repeated violations. A typical progression for repeated absenteeism might consist of a verbal warning followed by a written warning, a three-day suspension, then discharge.

**Does the punishment fit the "crime" and the past record of the employee?** Again, this is related to the previous two points: Discharging an employee for a single absence or for a minor violation of management rules is generally considered inappropriate.

**Was there an investigation?** Was it conducted fairly and impartially or was there evidence of an effort to "burn" or "trap" an individual employee for practices that are generally unchallenged?

**Did the investigation turn up substantial evidence of wrongdoing?**

**Are management's rules reasonable?** Could an employee be expected to follow the rule or policy in question or would this be impossible?

**Are there extenuating circumstances behind the employee's action?** Often there are physical or medical reasons underlying absenteeism, poor work, etc. A fight might have been provoked.

**Are the rules clearly posted and understandable? Are they specific?**

**Are the rules enforced uniformly and consistently?** Is there evidence of discrimination or harassment? There may be others with similar or worse work records who have not been disciplined.

**Is there management collusion or shared guilt?** Have management personnel violated their own rules or encouraged employees to ignore certain rules? For instance, have others been known to drink on the job?