

FROM THE “Did You Know?” E-MAIL SERIES PROVIDED BY THE NOVA SCOTIA UNION OF PUBLIC & PRIVATE EMPLOYEES

Obey Now, Grieve Later

Pop quiz: Your manager has told you to do something that’s outside your job description. What do you do?

- (a) Tell your manager to stuff it.
- (b) Keep putting it off and hope your manager forgets.
- (c) Hop right to it.

Answer: Except in very limited circumstances, the rule is “obey now, grieve later”. Otherwise, you could be disciplined for insubordination – even if the manager turns out to have been wrong in instructing you to do the work. For example, if a manager requires you to change your working hours on short notice, even though that violates your collective agreement, you should obey now – and then the union will file a grievance later to try and get overtime pay or other compensation.

There are exceptions. You can refuse to do work where:

1. the work would be illegal. So, robbing banks is out. So is doing work that by law must be done by a certified tradesperson or a professional.
2. there are reasonable grounds for believing the work will endanger you or someone else. In other words, you can exercise your right to refuse under the Occupational Health and Safety Act.
3. there would be no adequate redress through the grievance procedure if you obeyed now and grieved later. For example, under most NSUPE contracts you probably couldn’t be disciplined for refusing to attend a disciplinary meeting without a shop steward present.

The principle behind the obey now, grieve later rule is that work can’t stop while the grievance procedure is being pursued and someone – that is, the manager – has to have the authority to direct the work until the grievance is determined. As one arbitrator put it, the workplace “is not a debating society. Its object is production.” This isn’t to say that you shouldn’t tell your manager why you object – she may not know the work should be done by someone in another classification or that there’s an easier way to get the work done or that you’re entitled to notice under the collective agreement.

If you have questions about whether the obey now, grieve later rules applies to your particular circumstances, call the union right away for help.

NOTE: *The Did You Know?* series is general information only. For advice specific to your workplace or personal circumstances, please contact a union representative. Comments are welcome at nsupe@ns.sympatico.ca. For back issues of *Did You Know*, look under “News” on the NSUPE website: www.nsupe.ca.