

## Ten Rules to Prepare Witnesses for the Grievance Hearing

Last week you went to a disciplinary hearing in which you presented the case for the union. Your case rested on the testimony of another member who you brought to the hearing. Then management questioned the same member. All of a sudden he got flustered and backtracked on the story. The witness no longer sounded credible, even to you. What happened?

A disciplinary case will be judged on the facts and you must present those facts through documents and witnesses. When you use a witness you must make sure of the witnesses' story. A solid grievance investigation including good interviewing techniques is basic to this process. But there is more.

A good grievance is only as good as the witnesses and the grievant. You must insure that the story they tell is consistent and they stick to it. That means you must adhere to the following rules in preparing your witness.

1. Know what your witness will say. Once you have interviewed the witness, sit down with him or her and tell them the questions you will ask. Plan those questions according to the information the witness has offered.
2. Go through a dry run of your questions ahead of time. The questions and answers at this stage are meant to increase their comfort level, not to put words in their mouth or get them to memorize their story. Anyone can see through a concocted story or one too well rehearsed.
3. Tell the witness what they can expect in their cross examination by management. Give them some possible company questions ahead of time and see how they respond. Tell them you will make sure that the company does not go off base on their questions.
4. Answers should be brief and non-technical. Tell them not to argue.
5. Witnesses must not be evasive. If they cannot remember or do not know, they must say so. "I don't know," or "I can't remember" are perfectly reasonable answers. They do not necessarily weaken a witnesses' story despite what they might think. "No" and "yes" are also respectable replies to questions.
6. When the company questions the witness on cross-examination, answers should be as short as possible. Do not let your witnesses do the work for the company. Make the company prove their case.
7. If the witness is sure of the facts, tell them to use words like "I remember." Words like, "I think" or "I believe" are weak and do not necessarily indicate facts.
8. Don't let witnesses get shaken by cross-examination. When you have a particularly strong witness, management may try to get the member excited, make them lose their temper or get careless with an answer. What they are trying to do is destroy a witness' credibility. Step in to prevent this. Don't let your witnesses be hounded or badgered. Don't let anyone put words in their mouth.
9. During your interview with the witness, walk them through the entire hearing. They have to know ahead of time what to expect. Describe to them the physical layout of the room, who will be there, and what will happen. The more they know ahead of time, the more comfortable they will be.
10. In any proceeding, tell the witness to admit, if asked, that they have spoken with you ahead of time. Don't let them think that the interview conference isn't part of the process. If they are asked, "What did your union representative tell you to say at the hearing," the proper reply is, "He/she told me to tell the truth."

Disciplinary hearings are uncomfortable and stressful events for members and witnesses. Once you realize this fact, you must try to do everything in your power to make your people more comfortable. Following these 10 simple rules will help.