

Ten Rules for Witnesses

In Solidarity

You go to a disciplinary hearing in which you represent the union's case. It rests on the testimony of another member you brought to the hearing as a witness. Her testimony goes well. Then management questions her. All of a sudden she gets flustered and backtracks on her story. She no longer sounds credible, even to you. What happened?

A grievance can be only as good as the testimony of the grievor and your supporting witnesses. Before you go into a grievance hearing you have to be sure that the stories your people tell will be consistent, and that they will stick to them. To do that, try to adhere to the following guidelines in preparing your witness.

- 1** Know in advance what your witnesses will say. Once you have interviewed a witness, sit down with him and describe the questions you will be asking them when it's time for the hearing. Plan those questions according to the information the witness has offered.
- 2** Go through a dry run of your questions ahead of time. The purpose of this is to increase the witnesses' comfort level, not put words in their mouths or get them to memorize their stories. Anyone can see through a concocted story or one too well-rehearsed.
- 3** Tell your witnesses what they can expect in their cross examination by management. Give them some possible employer questions ahead of time and see how they respond.
- 4** Answers should be brief and non-technical. Tell your people 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. "No" and "yes" are also respectable replies to questions.

6 When management questions a witness on cross-examination, answers should be as short as possible. They shouldn't volunteer anything that wasn't asked. Do not let your witness do the work for the employer. Make management prove its case.

7 If your witness is confident about the facts, tell him or her 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 him excited, angry or careless with an answer. They are trying to destroy your witness's credibility. Step in to prevent this – you have that right.

9 Before any hearing at which your people will be witnesses, walk them through the entire process. They have to know ahead of time what to expect. Describe the physical layout of the room, who will be there, their roles and what will happen. The more your witnesses know ahead of time, the more comfortable and convincing they will be.

10 In any proceedings, tell your witnesses to admit, if asked, that they have spoken with you ahead of time. They should understand that your interview conference with them is just another part of the process and there's nothing wrong with it. 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 grievors and witnesses. You will want to do everything in your power to make your people more comfortable, because the more comfortable they are, the better they will perform and the better your chances of winning.