



# TEAMSTERS LOCAL 89

*President Avral Thompson*

*Secretary-Treasurer Jeff Cooper*

---

## THE SEVEN TESTS OF JUST CAUSE - DISCIPLINARY CASE

---

During and after an employer issuing discipline to a member, a steward should be keeping a keen eye and ear out to determine whether they have followed the Seven Tests of Just Cause. As a steward representing a member, you have the right to ask questions to help you determine this.

You can use this guide to help you determine if Just Cause was used. Take notes under each item, and use a separate sheet of paper if needed.

1. **Forewarning.** Did the employee have knowledge of the rule or expected standard of conduct and the penalty that might be applied for the infraction?
2. **Prior enforcement.** Has the employer consistently enforced the rule or standard in the past?
3. **Due process.** Did the employee have the chance to give his/her side of what happened prior to the decision to discipline. Were the procedural requirements in the contract followed?
4. **Proof.** Is there substantial and credible evidence of wrongdoing? (Were all witnesses interviewed? Were all relevant documents reviewed? Ask for copies of all evidence. List the witnesses here and attach the documents presented by the employer.)
5. *(Determine after discipline has been issued)* **Progressive and corrective discipline.** Other than in cases involving extreme misconduct or where the contract mandates a particular penalty, did the employer apply progressive and corrective discipline?
6. *(Determine after discipline has been issued)* **Consideration of all the circumstances.** Did the employer give proper weight to the employee's past record and all other mitigating or extenuating circumstances?
7. *(Determine after discipline has been issued)* **Equal treatment.** Was the level of proposed discipline consistent with what was imposed in similar cases?