

Interviewing witnesses, Part 6



Director of Education
Jamie Lumm

This is the final part in my series of articles about tips for shop stewards when interviewing postal as well as non-postal witnesses for a grievance. In this part, I'll cover what to do when you have a witness who is reluctant to talk to you and I will end with a few words about taking notes.

Sometimes witnesses won't want to talk to you. There are many reasons why this happens. It could be that they are naturally shy and

don't like talking to strangers, or it might be that they are at work and can't talk. Using your skills as an interviewer, you should be able to overcome most of these obstacles. Most people have a desire to see justice done and want to see themselves as aiding in that, so appeal to their sense of fairness and ask for their help in seeing that "the right thing" is done. You may be surprised at the lengths some people will go to help you.

Occasionally, you may come across a witness who won't talk to you at all. In these cases, it's important to find out if they've been coached by someone else to not talk to you. They might even tell you that without your asking: "The lady that I talked to last week said someone from the union might want to talk to me and that I didn't have to talk to them if I didn't want to, so go away!"

If this happens, and even your best attempts to persuade them otherwise don't work, then make sure that you document, with date and time, the attempts you made and the response of the witness, and prominently place this in the grievance file so that those who handle the case at higher steps in the grievance procedure are aware of this witness's reluctance.

Finally, if after appealing to a reluctant witness's better nature they still do not want to participate in an interview, absolutely under no circumstances should you harass or attempt to intimidate the person to talk to you. Maintain a courteous and professional demeanor at all times.

Planning your questions—There are several ways to conduct an interview. One way is to write out the questions beforehand, leaving space on the page to fill in the answers. Newer stewards seem to prefer this style, as they are worried they might forget to ask something. One problem with it is that it tends to restrict the interview and you might miss out some important information if you don't allow the interviewee to stray from your predetermined questions. Another way is to simply prepare a list of general topics you want to cover and information you want to obtain and ask questions about them as part of a conversation. Each way has its positives and negatives; just use whichever method works best for you.

Notetaking—It really doesn't matter how brilliant of an interviewer you are, if you don't write it down accurately, you've wasted your time. As we often say in steward training: If you don't have it in writing, you don't have it. I'm often asked if interviews can be taped. There is certainly nothing prohibiting it, as long as you have the permission of the witness. Nevertheless, I strongly recommend against it, as it usually causes witnesses to be less candid and more cautious about what they say. Just take the time necessary to write down what you need to record it accurately. After all, you're on the clock.

Like any skill, notetaking is something that, the more you do it, the easier it is and the better you become at it. One method I've found that works well for me is that, rather than writing down verbatim "Question-Answer, Question-Answer," I write down the essence of what the witness says in a way that also suggests the question(s) I asked and use quotation marks to indicate the witness's exact words when necessary. For example:

Instead of writing:

Q: Did you take the Red Plums out on Friday, May 4?

A: No.

Q: Why not?

A: Because we had a lot of mail and I just forgot.

Just ask the question and write:

I didn't take the Red Plums on Friday, May 4. We had a lot of mail; "I just forgot."

A few things to remember—Double-check important details. Ask the witness to clarify if you don't understand or if something doesn't make sense. Write in ink and only use one side of the paper. Leave wide margins on the sides and spaces between lines for adding details and reminders to yourself. Use abbreviations for common terms (ODL, CCA, OJI, etc.).

Before you end the interview, you should review your notes with the witness, making sure you recorded everything correctly. This also may stimulate even more information. Then, as soon as possible, write up a report or summary of the interview. If you add something to the report that was not in your notes, point this out and explain it. Be sure to sign and date it. The longer you wait, the less reliable your report will be regarded.

Your notes and summary may become part of the official grievance file and may turn out to be the key to proving the union's case. Should it go to arbitration, you might be called as a witness to testify about what's in your notes and summary. This could be many months later, so if your notes are incomplete or unreadable, they will be of little value—to you or to the case.