

In the event of a Unit 1 Strike...

FAQs 2018

In December 2017, 89.4% of Unit 1 members voted to authorize a strike, if necessary. On January 22 2018, Unit 1 members voted unanimously to set February 26th as the strike deadline (the date by which we expect to have a deal or job action will commence).

Your Bargaining Team remains committed to reaching a negotiated settlement at the table, but we are ready and willing to withdraw our labour should we be unable to reach a tentative agreement by February 26th.

The following are answers to Frequently Asked Questions in the event that a strike is called. If have additional questions or comments, please contact:

- 1. What is a strike?**
- 2. Who is expected to participate in a strike?
What is a lockout?**
- 3. What is the legal strike/lockout deadline? How does it differ from the February 26th "strike deadline" set by Unit 1 members at our January 22nd meeting?**
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- 5. Has the union conducted a strike vote? Did we obtain a strike mandate?**
- 6. Will there be another opportunity to vote on whether or not we go on strike?**
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- 12. Will my own research be affected? Can I come to campus to perform academic work?**
- 13. What if I perform other work at the University that is not covered by the Unit 1 Collective Agreement? Or I'm on a work placement/practicum?**
- 14. Will I be able to communicate with my students during a strike?**
- 15. Will students suffer an adverse academic and/or financial impact if we go on strike?**
- 16. What can I do to help avert a strike?**

What is a strike?

According to Ontario labour law, a strike is defined "as a cessation of work, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding, or a slow-down or other concerted activity on the part of employees designed to restrict or limit output."

A strike typically involves a full withdrawal of labour, but it can also encompass other activities that slow or limit output such as walk-outs, teach-ins or other sit ins, work-to-rule, and rotating strikes. Activities that would meet the legal definition of a strike but fall short of a full withdrawal of labour are often referred to as "job actions."

In the past, Unit 1 has typically engaged in a full strike rather than other forms of job action. In practice, this means that we cease to do our Unit 1 duties en masse and perform coordinated strike duties such as picketing instead.

Who is expected to participate in a strike?

In accordance with Article 16 of our Bylaws, we expect that ALL members of CUPE 3902 Unit 1 to participate in the strike. Unit 1 covers the following positions when they are performed by UofT students or postdocs: teaching assistants, teaching fellows, demonstrators, tutors, markers, instructors, teaching laboratory assistants, Chief Presiding Officers, and invigilators.

What is a lockout?

A lockout is the flip side of a strike. Rather than withdrawing our labour, the Employer prevents us from working by locking us out. Lockouts are very rare in the University sector.

What is the legal strike/lockout deadline? How does it differ from the February 26th "strike deadline" set by Unit 1 members at our January 22nd meeting?

Under Ontario law, four things need to happen before workers can legally undertake job action during working hours and/or the employer can legally lock them out:

1. The parties must have met with a conciliation officer, a neutral third party appointed by the Ministry of Labour at the request of one or both parties;
2. A 'no-board report' must have been requested from the conciliation officer by one or both parties, signalling that an impasse has been reached and ending the conciliation process;
3. The Union must have obtained a positive strike mandate in a unit wide secret ballot strike vote
4. A seventeen day "cooling off" period must elapse between the mailing of the no-board report and the start of any strike/lockout action.

At the end of the "cooling off" period, the parties are in what's called a "legal strike/lockout" position.

The tradition at this Local is for members to set their own strike deadline. The "strike deadline" is the date (after the strike/lockout deadline but separate and apart from it) which members for job action to commence unless a deal has been reached.

It is this Local's practice to ask members of bargaining units to set their own hard deadlines, separate from the Provincial requirements. This ensures that members are making the decisions the whole way.

What is a strike vote?

In the legal sense, a positive strike vote authorizes the Union to call for job action if negotiations reach an impasse when in a legal strike/lockout position. Strike votes also show the employer that the membership is serious about our proposals, that we support the bargaining team, and that we're mobilized. A positive strike vote doesn't mean that we are automatically going on strike. It simply gives the bargaining team and the Executive Committee the ability to call a strike later on in the process as a matter of last resort. In many locals, including this one, a strike mandate is obtained in nearly every round of bargaining, but strikes themselves are quite rare.

Has the union conducted a strike vote? Did we obtain a strike mandate?

Yes. A unit-wide secret ballot strike vote was held in December 2017. 1500 Unit 1 members cast ballots and returned an 89.4% strike mandate.

Will there be another opportunity to vote on whether or not we go on strike?

We will not hold another Unit-wide strike vote. The strike vote is the only Unit-wide vote that will take place prior to the ratification of a Tentative Agreement. However, a Unit 1 membership meeting will be called prior to any job action and you can have your say at that time.

What is the status of negotiations?

Your bargaining team is working hard to reach a tentative agreement with the employer in well in advance of our February 26th strike deadline. We are presently in conciliation, which means that the parties are working with the assistance of a neutral third party from the Ministry of Labour. Negotiations are still productive. However, the parties are still far apart on some key issues such as graduate funding, benefits improvements, support for unfunded students, and pregnancy and parental leaves. The last scheduled day of conciliation is February 7.

What happens next?

If we reach a deal in conciliation, an ascension meeting will be held in which the bargaining team will present the details of the tentative agreement to the membership and members will vote on whether to send it to a full unit wide ratification vote.

We have tentatively booked Convocation Hall for Monday February 12, 2017 at 6:00 p.m. in the event the Bargaining Committee reaches a Tentative Agreement with the Employer which it recommends to the members.

If the parties do not reach a deal in conciliation, the Union will ask the conciliator for a "No Board" report, which means that the parties are at an impasse. The No-Board report triggers a 17 day cooling off period, following which the parties will be in a strike/lockout position. Prior to the strike deadline the parties will meet again with the neutral third party appointed by the Ministry of Labour in a process called Mediation (which is similar to conciliation, except with the pressure of a looming strike/lockout deadline).

Is a strike still avoidable at this stage?

Yes, it is definitely possible to avert a strike. In fact, the best deals are often achieved close to a strike deadline because our power as workers is at its strongest when members are mobilized and job action is imminent. Moreover, while strike votes and deadlines are a normal part of the bargaining process, strikes are actually quite rare. More than 95% of collective agreements in Ontario are concluded without a strike. This Local has only been on strike five times in our forty year history.

Do we get paid during a strike?

The Employer will NOT pay you for your bargaining unit work while you are on strike. However, your CUPE National Strike Fund provides members with strike pay of up to \$300/week for 20 hours of picketing or alternate strike duties. Strike pay is not taxable income.

This usually involves picket line duty and is normally done in shifts of 4 hours over 5 days. However, we may create a different schedule because of the 24 hour a day/7 day a week nature of our work at the 3 campuses.

To be eligible for strike pay you must:

- * Be a member of the Bargaining Unit before the strike begins
- * Be on the Employer's "active" payroll and paying Union dues
- * Complete and sign the Strike Benefit Application Form (including providing personal telephone and email information collected by your Local)
- * Picket and/or carry out other strike support duties as assigned by the Strike Support Committee
- * Sign in and out each shift of picket or strike support duty
- * Normally participate in a minimum of 20 hours over 5 days in a week

Members with other jobs can submit a written request for shorter picket duty and/or double shifts on one day to the Alternate Duties Picket Captain representative for the Strike Committee.

Members with health, dependent care or other issues, may also submit a written request for alternate duties to the Alternate Duties Picket Captain representative for the Strike Committee.

The approval of these requests is not automatic and must be ultimately approved by the CUPE Secretary Treasurer in Ottawa on the recommendation of the Local Strike Committee and CUPE Servicing Representative. If you perform fewer than 20 hours of strike duties you will be paid \$15 per hour.

If you have a disability you will be accommodated with suitable work on comparable shifts to those members on a picket line. Otherwise, you may be assigned to a picket line near your home, your normal workplace or to a "flying squad" as a mobile and flexible picket line to go where and when you are most needed.

Some portion of lost wages may also be recovered as part of a "back to work" protocol negotiated at the end of a strike. In 2015, for example, we recovered 90% of lost wages. However, this must be negotiated with the Employer and is not guaranteed.

Note that graduate funding, scholarships, bursaries, grants, awards etc. (i.e. money that the University pays to you because of your status as a student) are not a part of your bargaining unit employment income/wages. This money should not be interrupted because of job action, strike or lock out.

Does being on an international visa affect any of this?

No. All workers are covered by labour law and enjoy the same rights regardless of citizenship. You cannot lose your visa or work permit by voting in a strike or ratification vote or by taking part in a strike or job action. All unit wide votes, including strike and ratification votes, are conducted by secret-ballot so your individual vote is kept private.

Will my own research be affected? Can I come to campus to perform academic work?

Your bargaining unit work as a TA, CI, CPO etc. is separate from your academic research work. If you have ongoing academic research commitments, you should feel free to come to campus to attend to them. Should a strike be called, we ask that you stand in solidarity with other Unit 1 members by ceasing to perform your bargaining unit work. We also ask that you use University facilities such as the library as little as possible.

What if I perform other work at the University that is not covered by the Unit 1 Collective Agreement? Or I'm on a work placement/practicum?

The only labour that we are asking you to withdraw is your Unit 1 work. If you have other work on campus not covered by the Unit 1 agreement or work off campus (including a placement or practicum), then you should continue doing this work.

Will I be able to communicate with my students during a strike?

You should not engage in any of your regular teaching duties during a strike. This includes holding classes or tutorials and consulting with students. However, we encourage you to speak to students about a potential strike prior to the commencement of job action and have prepared some materials to assist you [insert link here]. You can also direct students to updates on our website and social media.

Will students suffer an adverse academic and/or financial impact if we go on strike?

We expect the University to implement an Academic Continuity Policy to mitigate the adverse academic impact of a strike on students. What that Policy might involve is entirely up to the University admin. Such a policy may or may not address the financial impact of a labour dispute. Again, it's up to the University.

For students who are also Unit 1 workers, there could be an adverse financial impact on you if you elect not to participate in the strike and thus do not earn strike pay. While in the past we have been able to negotiate a return to work protocol that includes back pay, there is always the possibility that the Employer will not agree to it.

What can I do to help avert a strike?

The threat of a strike is the best defense against one. You can help us avert a strike by taking part in conspicuous displays of solidarity. Send a strong message to the employer that unit 1 members are united behind the bargaining team and we're ready and willing to go on strike if necessary! Here are some things you can do:

- Attend the #StrikeCountdownRally at noon on February 7 at Simcoe Hall
- Stay Visible: wear CUPE swag; display posters, bookmarks and door knockers.
- Stay informed! Inform others!
- Reach out to members in your Department and/or in your building who are not involved
- Volunteer to go door knocking or phone banking
- Contact the Union about other ways you can help at organizer@cupe3902.org.

Will the University be shut down during a strike?

It's up to the University administration, but we do not expect the University to shut down during a labour dispute. UofT has never shut down during a labour dispute.

What about my health benefits?

You will continue to receive your base student plan benefits during a strike. However, the continuation of your Unit 1 Top-Up Plan and/or HCSA will be at the discretion of the University admin. You may thus experience an interruption in these benefits.

What about my marking?

You will not be performing any of your Unit 1 duties during the strike. This includes marking. However, depending on when the strike ends and what we negotiate vis a vis the return to work protocol, some or all of this work may be completed after we return to work at your regular rate of pay.