Frequently Asked Questions In the Event of a Strike or Lock-out

1) **What is a strike?**
   A strike is any form of job action following a strike mandate. It includes but is not limited to, full scale walkouts, rotating walkouts, information pickets, study sessions, work to rule campaigns, etc.

2) **Can we go on strike?**
   When the membership votes in favour of job action we will be able to commence such job action up to and including a full scale. We are required by law to provide the Employer with 48 hours’ notice prior to commencing job action. We are also prohibited from commencing job action if we have any issues being determined by the Labour Relations Board.

3) **What do I receive for pay if we go on strike?**
   You will receive any pay owed to you by the Employer.
   CUPE National provides strike pay of a maximum $300.00 per week for all members who perform 20 hours of picket/strike duties. Also, a member who has been on strike for ten days or more shall receive an additional $120.00, to be paid upon termination of the strike.

4) **Can the Employer lock us out?**
   If the Employer provides the Union with 48 hours’ notice, they can legally lock out the employees provided there are no issues being determined by the Labour Relations Board.

5) **What happens if the Employer locks us out?**
   Strike pay is the same in a lock-out as it is in a strike.

6) **How am I eligible to receive strike pay?**
   You are eligible to receive strike pay provided that you have participated with the strike on all eligible days in that period.
   You must also participate in picket line duty or some other strike related activity on a daily basis.
   If you are sick or are otherwise unable to picket, you need to report this to your picket captain/President of the Local.

7) **What happens to my benefits?**
   The National Strike Fund pays for group life and group extended health premiums for the members entitled to strike pay for the whole period of the strike so those benefits will continue.

8) **Is strike pay the same for everyone?**
   Yes, all members whether full-time or part-time, temporary or permanent, the most inactive member or the Local Bargaining Committee or President all receive the same rate of strike pay.

9) **What if I don't believe in strikes?**
   For almost everyone, the decision to take strike action is a painful one and can be justified only after everything else has failed. Most people will support strike action if they believe that the cause is worthwhile and no other actions have worked. People who cannot bring themselves to picket can support the strike simply by staying away from work. **However, you will not receive strike pay for this.**

10) **What happens if I cross the picket line?**
    Legally any individual can choose to cross a picket line and go to work. However, this usually leads to substantial morale deterioration. You will be fined an amount equal to any earnings you received as a result of crossing the picket line. Additionally, this may lead to sanctions under the National Constitution.

11) **Who pays for legal action against members who cross the picket line?**
    Local union would pay for actions through the Court. Any member who crossed the picket line will be responsible for their own legal counsel.
12) If a member crosses the picket line and goes to work can we pull their union card? What is the process?
   The Union would not want to pull the card of a member who crosses the picket line, as the trial procedure as required by the Trade Union Act, in accordance with the Constitution, may only be invoked against members. If the Union pulls the members card, the individual will no longer be a member and no action may be taken.

13) What happens if I am injured while on the picket line or doing strike committee work? Will I get WSIB or LTD?
   WSIB will not cover you; however, members are entitled to LTD if the Local has paid the premiums. The Local will contact the respective Benefit Company for the exact cost of benefits.

14) If I have another job and do my picket duty will I get to keep my job salary and strike pay?
   Yes, as per the National Defense Fund Regulations.

15) What if I am on Maternity Leave?
   You will continue to receive your benefits from EI. If you prefer, you may cancel your EI benefits, sign up for picket duty and collect strike pay. You cannot collect both EI and strike pay.

16) What if I am on WSIB, EI, STD or LTD?
   If a member is on a leave when the strike commences (e.g. sick leave, vacation leave, Workers' Compensation leave, LTD leave or other approved leave), the leave continues for its duration. Although the Collective Agreement is no longer in effect, the Employer cannot unilaterally make changes and must negotiate any changes with the Union.

17) What happens to my holidays?
   During the strike, all vacation is cancelled. When the strike is over, your remaining vacation will be credited to you and will be rescheduled. Individual situations where vacations were pre scheduled will be dealt with on a case by case basis.

18) Do I have to picket?
   Legally, you are not required to picket. However, the strength of a picket line often determines the outcome of job action, so more people on the line can lead to shorter strikes. As well, you only collect strike pay if you perform picket or other strike related duties.

19) What about members with religious exemptions, can they cross the picket line?
   No. They can be subject to the trial procedure.

20) Can members just do child care or sit on a committee and never picket?
   This will be decided by your President/Picket Line Committee. All members should be required to do picket duty; however, exceptions could be made in the case of disability, etc.

21) If we go on strike just prior to the normal pay period can the Employer withhold my pay cheque?
   No, employees must be paid their earnings up to the date the strike commences on their next normal pay day in accordance with the Labour Standards Act.

22) How often and how long do people have to picket?
   Required picket shifts are four hours, or as decided by the Local, in length per day, Monday to Friday. Shift selection will be on a first come - first serve basis. The earlier you register the better selection of shifts that will be available. You should remember that those members who are serving on the Bargaining Committee or Executive will all be working much longer days for the same strike pay.
23) **What if I am not able to picket, I am sick, etc.?**
   The Employer will most likely discontinue your sick leave benefits. You will however, still be eligible for picket pay. If you are unable to picket due to health problems you will need to contact your President/Strike Captain. There may be other duties that you can perform like clerical work, helping out in headquarters, phone calls, etc.

24) **What about my mortgage, rent, credit cards, loans, etc.?**
   You are responsible for your debts. However, most financial institutions will help you put together a plan to deal with your individual situation should strike action occur. Many financial institutions will allow you to reduce payments or pay only interest charges during a strike. Contact your Bank.

25) **If I am approached by the media what should I do?**
   Say nothing; please refer any and all Media questions to your Local President, the media spokesperson will understand. Be careful what you say as it may be taken out of context and printed.

26) **What about members who have not completed their probationary period. Can they be fired?**
   No. The probationary period may be extended by the length of the strike.

27) **How long could a strike last?**
   For as long as it takes to obtain a fair and equitable Collective Agreement.

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CUPE Local 3166 Contact Information in case of a Strike or Lock-Out:

**Lisa Balanowski – President**
905-399-3166  
Cupe3166president@rogers.com  
http://3166.cupe.ca

**Jennifer Doleman – Vice President**
3166vicepresident@gmail.com

**Gloria Thurston – Secretary Treasurer**
cupe3166treasurer@gmail.com