

STRIKE/LOCK OUT

FREQUENTLY ASKED QUESTIONS

What is the difference between a strike and a lockout?

A strike is called by the Union and is a withdrawal of services by the members in order to apply pressure to the employer to achieve an agreement that is fair to the members.

A lockout is imposed by the employer. It means the employer prevents the workers from attending work. The employer does this in order to scare members of the union into accepting deep cuts and take-aways to their working conditions, wages and benefits.

What is the process for getting to a strike/lockout?

The process is the same for a strike or lockout. Please see the flow chart “Bargaining Process”

Does the Union have the right to call a strike on its own?

The Union cannot call for a strike without a vote of the members. The members vote in favour of taking strike action, if necessary, then the Bargaining Committee has a strike mandate.

When will the strike vote happen?

We don't know. A strike vote will only occur if your Bargaining Committee and Union leadership feel it is necessary in order to apply pressure to the Employer at the bargaining table.

Can an employer hire replacement workers during a strike?

Yes, during a strike or lockout an employer has the legal right to hire temporary replacement workers. During a strike or lockout the employer is not obligated to pay the same rates, or any other benefits, to replacement workers as the rates paid to the workers they are replacing.

Does the Union's leadership continue to get paid during a strike or lockout?

No.

All members of the bargaining unit, including the President and all other officers, strike committee and bargaining committee are subject to the same rules under the bylaws of Local 79 and the CUPE Constitution. During a strike or lockout members are expected to picket for 4 hours in a day, in order to receive picket pay. The Unions' leadership, strike committee and bargaining committee work as many hours each day as it takes to successfully achieve an agreement. They receive the same picket pay as Local 79 members who picket.

Can I collect Employment Insurance while on strike or locked out?

No, however, if a member is already in receipt of Maternity or Sick Benefits at the time of the job action through EI they are entitled to continue to receive payments.

Local 79 is reviewing the circumstances of workers at U.S. Steel, but is not hopeful that there will be any application to workers in the City of Toronto.

What money does CUPE pay in the event of a strike/lock out?

CUPE National starts paying \$40.00 per day to a maximum of \$200.00 per week beginning the 10th day of a job action. Members must picket in order to collect any pay and picket attendance must be verified by signing in with the picket captain.

CUPE Local 79's strike fund pays picketers for the first 9 days of a strike or lockout, at the same rate of \$40.00 per each day of picketing to a weekly maximum of \$200.00, verified by signing in with the picket captain.

Why do workers in Long Term Care Homes & Services not go on strike?

Our members in LTCH&S, by law, do not have the right to strike. However, we ask that these members join our picket lines on days off or before and after working hours.

What happens to my benefits during a strike or lockout?

Manulife will not process any claims during the period of a strike or lockout.

Local 79 suggests rescheduling routine dental appointments, massage therapy, etc. Local 79 also suggests that you fill your prescription to the maximum allowed by Manulife, in preparation of a strike or lockout.

During a strike or lockout CUPE National will pay for benefits as long as a member fulfills the following requirements:

- 1. Be in good standing**
- 2. Complete and sign a Strike Pay Application form**
- 3. Been on the active payroll of the employer at the beginning of the strike or lockout**
- 4. Participate in the strike or lockout by performing assigned picket duties for at least 20 hours per calendar week**

What happens to my regular pay during a strike or lockout?

You will not be paid by your employer while you are on strike or locked out.

Does the Collective Agreement apply after the expiry date December 31, 2011?

The terms and conditions of your Collective Agreement continue until the parties are in a legal strike position or locked out. Once either side initiates a legal job action the Collective Agreement no longer applies.

Do I have to picket if we are on strike or locked out?

No. however, you will not receive any picket pay and you will send a signal to the City that you are willing to accept whatever changes they wish to make to your wages, benefits and working conditions.

“The bigger the picket line, the shorter the strike or lockout!”

Do I get strike pay if I picket during a lockout by the employer?

Yes, provided you do your picket duty you will receive picket pay in a lockout situation.

What if I have pre-approved vacation during a strike or lockout?

If you have pre-approved vacation during the time period in which there is a strike or lockout you will receive vacation pay from the employer for the period of your pre-approved vacation.