



## **CUPE MEMBERS UPDATE**

**February 16, 2017**

As announced this past Saturday night, the McNeil Government will work to pass legislation (Bill 75) this week to end the contract dispute between their government and the Nova Scotia Teachers Union, and impose a contract on the teachers.

While many may be happy to have this work dispute come to an end and to be able to get back to “normal” at our schools/workplaces this is an incredibly troublesome move by the government as it will now dictate the terms of a collective agreement. It is important to consider that, like you as CUPE members, the NSTU members have the last say through a vote on whether they accept (ratify) an agreement or not. The NSTU membership has voted and said there is not enough there, for whatever reason, to accept the proposed contract settlements brought forward.

Instead of respecting the democratic and constitutional right of the NSTU membership, the McNeil Government has decided to legislate and tell the teachers and NSTU what their next collective agreement will contain. If they can do this to the NSTU, they will have no problem doing this to CUPE sectors and locals as well. We must tell this government this is not acceptable.

### **NSTU Strike Action on Friday, February 17**

As all of you already know, this coming Friday the NSTU will take legal strike action and this will last until Bill 75 is passed and proclaimed by the government. We expect that the Bill will be in place by Friday or very early next week, at which time the strike action will end because the NSTU will have a “forced” binding collective agreement.

### **What we know**

At the time this update was written, all school boards have cancelled classes for students on Friday except the Tri-Country Regional School Board. Your CUPE national representative and your local executive are reaching out to your employer for more clarity on their plans during this strike action and the expectation for you as a CUPE member during this period. We are awaiting responses.

NSTU is supplying busses for their members and will be holding a rally all day Friday at the Legislature in Halifax. For most schools in your school board there will not be picket lines set up. That being said, depending on the weather and your school location, there is the chance you

may encounter a picket line. We have spoken with NSTU and they do not want CUPE members to do anything that may cause you financial harm or create discipline.

### **Do I have to go to work?**

Yes. CUPE members are not on legal strike therefore members are required to go to work unless otherwise directed by the employer.

On **Friday, February 17**, we will continue to go to work and do our “normal duties”. We will not pick up any extra work that the teachers are not performing, but we will report and conduct our normal duties as if there was no labour dispute in affect.

For members that work directly in the schools, you will report at your normal times and do your normal duties until told otherwise by your direct supervisor.

If you are not asked to perform alternate duties you should conduct your day as normal, no matter who may or may not be in your schools.

If a student shows up at the school, immediately take them to your supervisor and leave them in that person’s supervision and control.

For our **TA’s and lunch ground supervisors**, you will continue to report to work as you normally do, during your regular hours, until instructed to do otherwise by your direct supervisor. Should a student show up at the school, immediately take them to your supervisor and leave them in that person’s supervision and control.

For **bus drivers**, unless the school board has contacted you DIRECTLY, continue with your normal job duties and routes on Friday. If you encounter a child waiting at your normal stops, then please stop and radio or call your dispatch person for direction on what to do with that student. DO NOT pick them up without direct direction to do so.

For any members that are **casual employees**, if you were scheduled to work on Friday you will report as normal and follow the advice above. Continue to report to work until a supervisor or a manager tells you that your services are no longer needed.

As a CUPE member, you will report and do your work as “normal” if you are instructed to do anything different then please let your local executive know immediately.

### **Do I have to cross the picket line?**

If you are required to report to work, then you are required to enter the workplace. Therefore, you will have to cross a picket line if there is one at your work location. The employer will have the right to discipline or doc your pay should you refuse to cross a picket line.

Where there are picket lines that you need to cross, do so respectfully and with a show of support, speak to the NSTU members and tell them as CUPE we support their fight. We also encourage CUPE members to join the picket lines to show your support, before you cross the line, or by picketing with them on your own time (such as breaks, lunch or after work).

If you choose to join a picket line, even for a short time, please **do not** wear work clothing issued by the school board.

### **What if I am uncomfortable or I believe there is a threat if I cross the picket line?**

If you believe the picket line presents a physical threat, leave the area and call your supervisor. Advise them of the situation and ask for instructions. Please also contact your CUPE Local executive and let them know about the situation.

Remember, at any time if you believe your safety is being jeopardized, you have the legal right to refuse unsafe work.

The right to refuse is established in section 43 of the Occupational Health and Safety Act:

*43 (1) Any employee may refuse to do any act at the employee's place of employment where the employee has reasonable grounds for believing that the act is likely to endanger the employee's health or safety or the health or safety of any other person until*  
*(a) the employer has taken remedial action to the satisfaction of the employee;*  
*(b) the committee, if any, has investigated the matter and unanimously advised the employee to return to work; or*  
*(c) an officer has investigated the matter and has advised the employee to return to work.*

### **What if my employer says I don't have to report to work during the dispute?**

If your direct supervisor or employer tells you that you do not have to report to work during the strike, CUPE asks that you come out and show your support for this issue. You are encouraged to go to Halifax on Friday to join with your CUPE brothers and sisters in the rally with NSTU to tell this government that all workers oppose Bill 75.

If you are not able to make the trip to Halifax, we ask that you seek out a local picket line with NSTU and show your support by walking their line on behalf of CUPE. Wave a CUPE flag and proudly show that as trade unionists we stand with all unions on this issue. Please remember **do not** wear employer issued clothing if you do so.

### **What should I do if I am asked to do something above my normal duties?**

If you are asked to do any work that is normally performed by a teacher, that is above your normal job duties, or that happens on a more frequent basis, proceed as follows:

1. Calmly and politely explain to your supervisor, or the person making the request, that you believe you are being asked to perform "struck work" in violation of the *Trade Union Act*.
2. If they continue to request that you do the "struck work", calmly and politely ask them to have your supervisor put the request in writing.
3. Immediately give this information to your local steward or executive member who will share it with your CUPE national representative.

If the request directly involves students, make sure they are safe and cared for, before you take this to your local officials.

If it does not directly involve students, then calmly and politely explain to your supervisor that you need to follow this process before taking on the duties.

Your local officials, along with your CUPE National Representative, will work with you and give direction on how to proceed.

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*Thank you and stay tuned for more CUPE updates!*

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