



CUPE MEMBERS UPDATE

February 15, 2018

As you are all aware the teachers (NSTU) are taking a strike vote this coming Tuesday, February 20. As I am also sure you have heard, any action that may result from this vote would indeed be illegal action. While CUPE does and will continue to support all the unions that will be affected by the upcoming legislation for the school board sector, we have our own plan to deal with these potential changes. We will continue to follow our plans and not follow the lead of other unions.

Important dates and details

Feb 20

- NSTU vote
- There is also an ALL UNION press conference at 10 a.m. that we encourage you to watch for information

Feb 21

- First possible date that NSTU could take action (be aware that NSTU is not required to take action on this date and may look at other more strategic opportunities)

Feb 27

- Legislature called back to session. We fully anticipate that the new legislation for the sector will be tabled that day.
- Leaders of all the unions will be at the Legislature for the opening of the House.

Feb 27 – March 2

- New legislation to be presented and passed by the House (please watch during this week for possible action announcements such as rallies and political action events)
- There will also be Law Amendments sometime this week. We will pass on that information as it becomes available. Consider signing up for Law Amendments and bringing your voice to this important conversation.

Keep posted on events

Facebook: <https://www.facebook.com/CUPENovaScotia>

Twitter: <https://twitter.com/cupenovascotia>

...and your local's social media platforms

NSTU Action

Pending the outcome of the vote the NSTU is holding on the February 20, they will then see what support they have from their members and will then decide what form of action to take and when that action may be put into place. At this time, we do not have the answers to those questions, but we will share whatever information we get with you, the membership, as soon as we hear. That being said, we will stay our course and move ahead with our agenda no matter what others may do.

We are sure that the upheaval and uncertainty by not only the possible action by the teachers, but more greatly by the uncertainty this Liberal government is creating in this sector, has left many of you with a lot of questions and concerns. While there is a lot of unknown due to the government's refusal to consult and communicate with the unions, we do encourage you to bring your questions to your local executives or your national CUPE representatives and we will do all we can to get the answers you need.

At this point, I will again share the information that you were given this time last year when NSTU was in a legal strike position and we were working through that period. We will follow the same steps this time should NSTU take action and will show our support the same way we did at that time, while we follow our own course of action.

NSTU Strike and how as CUPE we proceed

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.

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 to and conduct our normal duties as if there were no labour dispute in effect.

For members who 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. 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 who are **casual employees**, if you were schedule to work on the day NSTU takes action, 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 to, 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 there 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 strongly asks 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. But 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 and 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.

What’s Next?

Please make sure that your local executive has your up-to-date contact information including preferred phone numbers and current email and mailing addresses. We want to be able to communicate directly with you and hear your concerns first hand.

Thank you and stay tuned for more CUPE updates!

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