

# FREQUENTLY ASKED QUESTIONS ABOUT STRIKES

01.

## **What is a strike?**

A strike is the legal act of ceasing work during contract negotiations to pressure the Employer to agree to employees' demands in collective bargaining. It is constitutionally protected under the *Canadian Charter of Rights and Freedoms* (s. 2(d)). Long term care workers must strike according to the *Essential Health and Community Services Act* and create an Essential Services Agreement prior to going on strike.

02.

## **What is an Essential Services Agreement?**

Sectors that are deemed essential, such as health care, cannot withdraw their services entirely, even during a legal strike. They are required to create an Essential Services Agreement (ESA), which allocates a minimum staffing ratio for the duration of the strike. This is bargained with the employer prior to any job action.

03.

## **If we're still working during the strike, what's the point?**

Though some shifts will remain in place, the number of duties and staff working at a time will be greatly reduced. The duty list, which will be established by a committee prior to any job action, will only include essential items, and it is the responsibility of management to fill in any gaps. The rest of the workers will be picketing as normal.

04.

## **What is picketing?**

Picketing is protesting outside the workplace, or at a secondary location deemed to be important or impactful by the strike committee, in support of the union's demands.

05.

## **Who can picket?**

Picketing is generally done by the local members on strike; however, everyone is encouraged to join and participate. A picket line doesn't have to be a tense and angry place, so music, family, friends, and supporters are more than welcome.

06.

## **If I'm working during the strike, isn't that scabbing?**

While working during a strike is normally considered crossing the picket line, in the case of an ESA, that is *not the case*. Members who are entering the workplace to complete their shifts according to the ESA are not considered scabs, nor are they crossing the picket line; they are following the legislation.

**07.**

**If I'm working, am I still expected to picket?**

If you want to collect strike pay, you are expected to complete strike duties regardless of the ESA.

**08.**

**What are strike duties?**

There are many different strike duties. The most common is picketing, but there is also working at the locals' strike headquarters, performing supply runs, handling media responses, creating strike content (videos, picket signs, etc.), and much more. National requires that 20 hours of strike duties be completed each week in order to receive strike pay.

**09.**

**How much is strike pay?**

Strike pay is \$350/week (tax-free) for the first 5 weeks on strike. This amount increases over time, rising to \$375 after 5 weeks, \$400 after 12 weeks, and \$450 after 16 weeks. Strike pay is issued by the local following the submission of weekly Strike Fund Reports.

**10.**

**Will the employer still pay me on strike?**

If you are completing shifts as per the ESA, you will continue to be paid by the employer. In some cases, locals choose to pool strike pay and employer pay and divide among all striking members in order to lessen the financial burden of a strike for members whose classifications are deemed non-essential and thus have no ESA shifts.

**11.**

**Will there be accessibility accommodations on the picket line?**

Yes, our goal is to ensure anyone and everyone can participate in strike duties without undue burden. If you require accommodations, please contact your local president or strike committee member as soon as possible so that a plan can be created.

**12.**

**Will my health insurance still work during the strike?**

Sometimes, employers pause health insurance for the duration of a strike as a pressure tactic in the hopes of ending a strike quickly. In the event the employer pauses health insurance, CUPE National will pay the premiums to ensure there isn't a lapse in coverage.

**13.**

**I can't afford to strike, what do I do?**

As the lowest-paid long term care workers in Atlantic Canada, none of us can truly afford to go on strike; however, we acknowledge that everyone's financial situation is different. Each local can, and should, set up a Hardship Fund and establish a process for members to access this fund.

**14.**

**I'm on a work permit; can I still go on strike?**

Striking is a legal and protected action in Canada. Even if you are on a work permit or student visa, you're allowed to strike and collect strike pay. It cannot be used against you or affect the outcome of your PR application nor can you be punished for participating.