



Job Action Policy

Adapted with permission from UNBC Faculty Association with further input from OCUFA and the CAUT Strike Manual

Date Approved by LUFA Executive: September 16, 2020

1. Intent

This policy is intended to provide clear information and guidance to members of the Lakehead University Faculty Association (LUFA) and the role of its Executive regarding job action during the Collective Bargaining process.

2. Preamble

Job action can take many forms, such as “work-to-rule” and strike action. Regardless of the form it takes, the goal of job action is to further progress toward a collective agreement acceptable to the employees in question.

A strike is a collective withdrawal of services or stoppage of work generally used to apply pressure on an employer to agree to terms and conditions of employment. A lockout is an action the Employer can use to exert pressure on the union members.

The Ontario Labour Relations Act (LRA 1965)) sets out the conditions that must be satisfied before a strike can begin. LUFA will satisfy those conditions and communicate them to LUFA members.

All job actions implemented by LUFA shall comply with directives issued by relevant local health authorities.

3. Strike Adjudication Committee

LUFA will establish a three - person Strike Adjudication Committee, which will adjudicate (a) queries regarding the withholding of services; (b) applications for exemptions to policies as listed below; and (c) other matters as appropriate.

Appeals of the decision(s) of Strike Adjudication Committee must be made in writing to the LUFA Executive, and its decisions on the appeal will be considered final.

4. Services to be withheld during a strike

LUFA members will cease to perform all work considered part of their normal duties and responsibilities at Lakehead University including work performed online. While this is undoubtedly difficult for members, it is critical that all members withdraw services to ensure the effectiveness of job action and the fastest possible conclusion of a collective agreement. Therefore, members are expected to withdraw services in all domains of work. Examples of services to be withheld include, but are not limited to:

- Graduate and undergraduate teaching at all campuses and via all modes of delivery (holding classes off-campus or asking graduate students to teach are considered strike-breaking);
- Clinical supervision and teaching;
- Routine advising of students;
- Teaching-related or professional consultation with students by telephone, email, or via other modes of communication;
- Supervision and assessment of graduate proposals, theses, and projects;
- Supervision of student internships or practica;
- All professional services (Librarian members);
- Clinical work if and as performed as part of Lakehead employment;
- Participation in all Lakehead University committees;
- Participation in non-Lakehead committees where the member is representing Lakehead University;
- All research or scholarly activities (other than required animal care and specifically exempted duties relating to sensitive experiments, as governed by the strike protocol to be negotiated);
- Attendance at scholarly conferences (see item 5 below); and
- Maintenance of electronic systems used for teaching or other University functions

Questions about whether certain activities will be permitted should be directed to Strike Adjudication Committee.

5. Attendance at scholarly conferences

Members are expected to refrain from all scholarly work during strike action. If a given task is part of a member's job at Lakehead University, for which that member receives compensation, the member should refrain from it.

The Employer will *not* reimburse members for any expenses incurred during a period when bargaining unit is on strike. Therefore, members who wish to attend conferences despite being on strike may have to attend at their own personal expense. Similarly, members cannot draw strike pay for days during which they were at a conference.

That said, there may be *exceptional* situations in which members believe it critical that they attend a given conference. Members who choose to do so may apply to the Strike Adjudication Committee in consultation with the Chair of the Picket Committee to have their picketing duties scheduled so as to allow them to meet their required weekly hours in a compressed period. This accommodation will be at the discretion of the Picket Committee. Under no circumstances will a member be permitted to miss an entire week of picketing duty for such reasons and complete two weeks' worth of duty within one week.

6. Application deadlines (internal and external) and grant applications

Research grant application deadlines (internal and external) may fall during periods of strike action. Members are expected to refrain from preparing grant applications, as from all other scholarly work; moreover, there is no guarantee that the administration will accept applications from faculty who are on strike. *Members should therefore be particularly attentive to early submission of grant applications when a strike vote is in effect.* This is the best way to ensure that applications and research programs will not be disrupted.

With regard to internal deadlines, LUFA will attempt to negotiate an extension to such deadlines as part of the strike protocol.

With regard to external deadlines for which applications are channeled through the University Research office, LUFA will attempt to negotiate extension of deadlines and make arrangements for members to meet deadlines where possible as part of the strike protocol. However, the Administration is powerless to alter fixed external deadlines.

7. Members traveling at time of job action

LUFA will negotiate the status of such members as part of the strike protocol.

8. Access to campus during strike action

Members must not enter campus during a strike except for a few exceptional circumstances. The only exceptions to this will be for:

- the provision of animal and plant care in accordance with the strike protocol; and
- any other exemption granted under the strike protocol

In cases where access to campus is granted as per the above, passes will be issued by the Strike Adjudication Committee. Members granted access to campus are expected to present their relevant pass to a picket captain upon crossing the picket line.

Strike pay will not be provided to any member who crosses the picket line except as permitted above, or who accepts remuneration from the Employer for bargaining-unit work during the strike period.

9. Access to email and electronic files

The Employer can choose to restrict members' access to university email and servers while members are on strike or locked out. For this reason and the reasons above, *members are strongly advised to take home all essential files and computers before the beginning of a strike*. Members are also responsible for providing an active non-University email address to LUFA prior to a strike. It is the responsibility of members to ensure that critical messages are received by the appropriate LUFA committee.

10. Strike pay and picket duty

LUFA is a member of the CAUT Defence Fund, which provides benefits to an academic staff association while its members engage in strike action or are locked out. The Fund provides benefits to member unions for distribution among Members. The Fund also provides interest-free short-term loans to enable member unions to cover the costs of insured benefits premiums for members during strike or lockout.

When a strike vote is scheduled, the LUFA President will notify the Defence Fund of potential job action and request for benefits.

The Defence Fund covers strike pay from the fourth day of a strike onward. CAUT strike pay begins on the 4th day after the beginning of loss of pay and is \$88 per calendar day tax-free. Strike pay for the first 3 days may be covered by LUFA. Strike pay is paid for 7 days per week.

In order to receive strike pay, members must perform strike duty and must not accept any remuneration from the Employer for work within the Bargaining Unit for the period of strike. Members must perform 20 hours of work per week in order to qualify for strike pay. Pay will not be pro-rated.

Ordinarily strike work will be scheduled as four-hour shifts, five days per week. In extraordinary circumstances, alternate schedules may be approved. Members who are unable to comply with the ordinary schedule should apply to the Strike Adjudication Committee and must receive approval in advance of any changes to the strike schedule assigned.

Strike work will normally take the form of picketing. Members who are unable to picket because of medical condition, disability or other special circumstances will be assigned alternate duties to support the strike; requests for assignment of alternate duties should be addressed to the Strike Adjudication Committee.

After a positive strike vote and prior to the commencement of strike action, all members will be asked to sign up for picket duty. Members will be assigned duties as per above. It is the responsibility of members to sign in with their picket captains on each strike shift, and the responsibility of picket captains to report members' hours to the Finance Committee.

Medical, dental, and other benefits will continue during job action, but premiums will be paid by LUFA as negotiated with the Employer at the onset of job action. Pension contributions will not be paid.

Members who are unable to complete their scheduled hours of strike work because of illness should immediately notify their Picket Captain and the Chair of the Picket Committee. Failure to do so will result in loss of strike pay. In such cases, alternate strike duties may be assigned to ensure that a member is able to complete his/her 20 hours of strike duties and qualify for strike pay.

All members receive the same strike pay for the performance of strike duties. However, Contract Lecturer members who are part-time instructors and have work commitments outside of their Lakehead University position may not have the flexibility to complete 20 hours of strike duties per week. These members will be given the option of completing 10 hours of strike duties per week and will be compensated at one-half the normal strike pay rate. It is the responsibility of the Contract Lecturer member to apply to the Strike Adjudication Committee for a reduced strike schedule.

11. Picketing

Picketing is of central importance in any job action and is a protected activity. Picketing may take place at an employer's place of business or any site that is clearly an important part of the employer's activities. Nonetheless, there are rules governing picketing that protect both the right of picketers to picket and the freedoms of the public:

- picketers have the right to picket, to inform the public, and to attempt to dissuade people from crossing a picket line;
- the public has the right to cross the picket line, as do LUFA members;
- picketers do not have the right to trespass on private property;

- no one may intimidate picketers, nor may picketers intimidate anyone;
- picketers must never engage in violent behavior; and
- picketers must not engage in any activity that undermines the purpose of the strike.

Picket captains are expected to monitor behaviour on picket lines to ensure compliance with the above and to safeguard the wellbeing of picketers. Safety concerns or other issues that arise on the picket line must be reported promptly to the Picket Captain who will report directly to the strike headquarters.

12. Members on sabbatical leave

LUFAs and the Employer will negotiate the status of members on sabbatical leave.

During any strike in which they are judged to be excluded from job action, members on sabbatical leave who require access to campus should request the approval of the Strike Adjudication Committee, which will issue passes to approved members on sabbatical leave for specific purposes. Members on sabbatical leave excluded from job action are to engage only in scholarly activities and must refrain from all teaching, service, Librarian duties and student advising/supervision.

Members on sabbatical leave will not receive strike pay whilst excluded from job action and drawing regular pay. However, if a member on sabbatical leave notifies the Employer that s/he wishes to participate in strike action and the Employer withholds his/her pay and benefits, the member on sabbatical leave will become eligible for strike pay under the conditions detailed above in Item 10.

13. Members on other leaves of absence (Articles 37.02-37.04.07)

LUFAs and the Employer will negotiate the status of members on such leaves. When such members are excluded from job action, they are not to cross the picket line. It is advisable that members on such leaves also notify LUFAs prior to job action as this information is not normally reported to LUFAs by the administration.

14. Members on vacation leave

Members whose vacation leaves were approved *after a strike vote was taken* will cease vacation leave as of the onset of job action. Such members are expected to report for picket duty in order to receive strike pay; extensions to their vacation leave will be negotiated as part of a back-to-work protocol.

Members whose vacation leave was approved *before the strike vote* and who find themselves on vacation at the time of job action should make immediate application to the Strike Adjudication Committee at the onset of job action; at the discretion of the Strike Adjudication Committee, they may be excluded from job action.

15. Members employed at Lakehead University in another capacity

Members who are employed in another capacity at Lakehead University will be permitted to cross the picket line upon application to the Strike Adjudication Committee. Such members are required to refrain from performing either their own LUFA duties or those of another member. In addition, such members are expected to support the strike, and will be required to complete regular strike duties in order to receive strike pay.

16. Letters to verify strike or lockout

Mortgage lenders will generally approve alternative payment schedules in case of strike or lockout, as will some credit-card companies and landlords. Upon request, LUFA will provide letters to members as proof of strike or lockout.

17. Lockout

If the Employer chooses to lock out LUFA members, members will be prevented from accessing campus and may be denied access to their email and computer accounts.

In case of lockout, the ordinary strike provisions will apply. LUFA will attempt to negotiate a protocol in cases of lockout.

18. Solidarity

Upon announcement of job action, the LUFA President will post a CAUT-gen message seeking expressions of solidarity from CAUT member unions and associations. The President will also notify CUPE, COPE, the Thunder Bay and District Labour Council, the North Simcoe Muskoka District Labour Council and the CAUT Defence Fund, from which the President will request flying pickets.

Written expressions of solidarity will be posted on LUFA website as appropriate. Donations will be pooled in a separate fund to help defray the costs of job action.

LUFA will support job action at other universities with letters of solidarity and donations.

LUFA will respect the picket lines of other unions and demonstrate solidarity as appropriate.

19. LUFA staff

LUFA staff will be expected to work normal hours during any job action by the membership. Staff duties will be shifted toward support of the strike.

20. Strike Headquarters and Communication

LUFA will establish the location of a strike headquarters to support members during a strike. Strike headquarters will be open to all members during normal picket schedule hours. Basic essential

services, coordination of transportation, and wireless internet services to support communications will be provided through strike headquarters. It is essential that members be educated on what it means to be part of a union generally, and what job action means and the expectations surrounding job action are in particular. Therefore, an educational component of communications with the membership is necessary both during the period prior to and following any job action. Such communications should be coordinated between the LUFA Executive and the relevant strike committees.

Appendix 1: Role of LUFA Executive during Collective Bargaining (Based on: CAUT strike manual)

KEY TASKS

- Define all leadership roles and the overall authority structure;
- Develop clear lines of internal communication – within the Executive, between the Executive and the teams, between the teams, and with staff;
- Ensure work plan is complete and all tasks allocated;
- Establish a financial budget for campaign;
- Develop accountability mechanisms and report backs for keeping the teams on track;
- Problem solve and provide all necessary supports to ensure the teams can succeed within each area of responsibility;
- Secure assistance and resources from OCUFA and CAUT as needed;

IMPORTANCE OF PREPARATION

- Strike preparation begins at the commencement of Collective Bargaining and continues until the parties reach an agreement.
- Most negotiations conclude without a strike or strike vote.
- However, the union must be prepared to carry out successful strike votes and strikes if they become necessary.

GOAL OF PREPARATION

- The Association's primary objective should be for a negotiated settlement without

resorting to strike action.

- Well organized strike preparation can be the best prevention of a strike.
- Employers are more likely to try for a settlement if they are convinced that the Association is prepared and determined to strike if necessary.

Legal Requirements for Strike Action

For Ontario: <https://www.ontario.ca/page/collective-bargaining#section-3>

Legal strike action is a union's ultimate expression of power in Collective Bargaining – the strongest legal measure it can take to obtain a Collective Agreement.

BARGAINING CALENDAR

- A bargaining calendar is a useful planning tool.
- The calendar starts by identifying at least one and no more than three possible dates for starting a strike and works backwards to the present.
- The cut-off date for settlement of negotiations should leave enough time to enforce the union's positions with a strike. The optimal strike date should then be decided, and bargaining should be geared towards that date.
- When completed, the calendar provides key information for planning all phases of bargaining.

The calendar should also account for the following:

- When the Executive must decide whether there is an impasse in negotiations;
- When the Association must apply for conciliation;
- When to inform the membership about the possibilities of strike;
- The time and location(s) for a legal strike vote;
- The optimum time to begin a strike

Once the Executive determines the optimal timing for a strike, it must ensure that members will be prepared to support the strike and that all the organizational requirements for a strike will be in place.

CRITICAL IMPORTANCE OF COMMUNICATIONS

- Communication is a two-way process.
- The Executive must communicate its plans to the membership and take into consideration member feedback.
- Before holding a strike vote, the association should have in place a structure and process prepared to carry out a strike should the membership approve the strike vote.
- **Never call for a strike vote unless the Executive is confident of a positive vote.**

Executive and Bargaining Team

- The Executive retains control of the union's everyday affairs throughout Collective Bargaining and has full authority over every committee.
- No member of the Executive may sit on a strike committee as a voting member.
- The Executive is responsible for overall strategy in negotiations.
- The Negotiating Team is responsible for negotiations at the table, including the strike protocol and a back-to-work protocol to end the strike.
- The Chief Negotiator and the Strike Coordinator/Action Committee Chair should report at all Executive meetings that deal with negotiations.
- The Strike Coordinator/Action Committee Chair is charged with planning and coordinating the strike, within the policies set by the Executive.

Role of the Action Committee

The Executive should appoint the LUFA Ad Hoc Action Committee when negotiations commence, to give the Committee sufficient planning time.

The Action Committee is charged with recommending the complete strike strategy and organization to the Executive and to carry out the plan that the Executive approves. This committee coordinates all strike-related activities, through its oversight of the strike committees.

Chairs of the strike committees should be members of the LUFA Ad Hoc Action Committee.