

OPSEU **Strike Manual**

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A better deal for every OPSEU member: the power of striking

Dear friends,

As members of the Ontario Public Service Employees Union, we have a long and proud history of defending and promoting the interests of our membership. The experience, the know-how and the strength of our collective power help us to achieve our goals in collective bargaining.

During every round of bargaining, our dedicated bargaining teams attempt to negotiate improvements based on the needs of our members, while safeguarding our contracts against demands for concessions brought forward by employers.

Throughout our over 100-year history, we've negotiated thousands of collective agreements. We currently have over 550 collective agreements across the various sectors within our union. While less than three per cent of all negotiations have resulted in a strike action, all of our negotiations had one thing in common: **our members fighting for fairness.**

Past strikes have taught us a lot about the power of collective strength and solidarity. Those lessons will never be forgotten, and we are a stronger union today thanks to the sacrifices we have made.

But our previous victories can never be taken for granted. We must always be prepared to fight for our members and our contracts.

We hope the information and ideas in this *Strike Manual* will help prepare you to defend our gains and make bargaining for improvements even more successful. Our actions will determine our success.

Our achievements will reach far into the future, as our families, co-workers, and future OPSEU members reap the rewards.

In solidarity!



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Introduction

The best defence

When it comes to work, our collective agreement is our most valuable asset. It sets out our contractual relationship with our employer. As a union member, supporting negotiations towards a first collective agreement or a renewed collective agreement is the single most important thing you can do to protect and improve your wages and working conditions.

Why we must be prepared

Before a strike can be called, all union members have an opportunity to cast a secret ballot on whether to support a strike. It's vital that our entire membership be drawn into the process of bargaining. Leaders at the local, regional, and provincial level must engage as many members as possible.

Strike preparation is essential because:

- › **It lets the employer know we are serious about our contract.**

Management may attempt to force us into a strike if they think we are unprepared. We can't win a strike unless we are ready.

- › **It affords us a great opportunity for workplace organizing.**

Member interest in the union peaks during contract negotiations. Many members who don't normally participate in union activities will become interested because they know that contract negotiations affect their future. We must be prepared to answer their questions and give everyone an opportunity to participate.

- › **It reassures members that their union is prepared to take on the employer.**

Emotions run high during the tense countdown toward a strike deadline. Members must be confident that their union will protect their interests.

If our locals are already adept at keeping members informed and organized, ramping up strike preparations will be much easier.

We must ready our locals for the worst – a strike or lockout. We must keep members informed of bargaining issues as determined and communicated by our bargaining teams.

Get going early

Our ability to build towards a successful strike is directly connected to the thoroughness of our planning and preparation. Strike preparations must be a cohesive effort by all locals while bargaining proceeds on towards a deadline. The goal of strike preparation is to support the bargaining strategy to get the best possible result at the lowest possible cost to members and the union.

In the event of a strike or lockout, locals are responsible for leading the membership and planning and carrying out all strike duties.

Local Executive Committees (LECs), stewards, staff representatives, and members must be prepared to participate as fully as possible to carry out the necessary strike preparation.

What's a lockout?

In some situations, the employer may lock out workers who otherwise would have to go on strike.

Media coverage and public opinion are likely to be more favourable to the union if the employer locks us out.

A lockout can influence workers who may not support a strike, since it is now management telling them not to come to work. We must be sure to provide one-on-one communication to keep these workers from blaming their union for the lockout.

To win a lockout, we need to take the same actions we do to win a strike: strong pressure through organized picketing and other activities to keep the employer from operating normally.

Overall, strategies and tactics employed in a lockout are much the same as they are in a strike.

Budgeting for a strike

We can't live on strike pay. It is designed only to help supplement savings and other sources of income during a work stoppage. The union puts aside a percentage of membership dues towards a strike fund. While this fund is in the millions, the amount per member is not large.

Obviously, the union could not sustain a strike of any length if it was to make up the total wage loss of its members. That means every member should be planning ways to get through the difficult times ahead. Members should be advised to put aside extra for mortgages and rent, and postpone major purchases. Delaying mortgage payments can be arranged with banks and credit unions.

Only members who register for strike duties and perform picket or other strike duties will receive strike pay. Members who choose not to perform strike duties will not receive strike pay.

Tips for members on budgeting for a strike

- › **Mortgages and rents:** Talk to your bank or credit union and negotiate a plan for the duration before the next payment is due.
- › **Taxes:** Ask if an accommodation can be arranged to defer property taxes.
- › **Utilities:** Ask to spread your payments.
- › **Loans:** If your lender won't allow a deferral, consider refinancing to reduce the payments.
- › **Credit cards:** Charging purchases while on strike is not recommended, but pay the minimum charge or use a line of credit with lower interest.

- › **Insurance:** Investigate ways to spread out your premiums.
- › **Child support:** Contact your ex-spouse and try to work something out.

Maintenance of employee benefits

OPSEU strike policy states that prior to a strike, the bargaining team shall initiate negotiations with the employer to have the employer pay its usual share of premiums for continuance of insured benefits coverage (with OPSEU members paying their usual share) and to have the employer arrange with the insurance carrier(s) to continue coverage for all bargaining unit members on strike or lockout, as per the collective agreement. If the employer agrees to continue coverage under the insurance policy, but refuses to pay its usual share of premiums, OPSEU will pay the required premiums for members on strike/lockout.

If the employer does not agree to continue coverage, OPSEU will provide a limited benefit package through the OPSEU Joint Trusteed Benefit Fund (\$100,000 life insurance and extended health coverage).

OPSEU will also supply insured benefit coverage for any member who is off on a pre-existing disability claim who has had his or her coverage terminated as a result of a strike/lockout.

Upon request, OPSEU will provide insured benefit coverage for members on strike/lockout who do not have insured benefits while at work but would be receiving a percentage in lieu of benefits if not for the strike/lockout. This would be through the OSPEU Joint Trusteed Benefit Fund and applies to casual, fixed-term, and other workers who do not normally have insured benefits at work, provided they participate in the strike, fulfil their strike duties, and do not perform essential or emergency service work.

Addressing rumours

In every bargaining situation, rumours abound. Some are generated by management or the media, but most are just idle speculation. Communication between our teams and the membership often becomes difficult because negotiations are not always straightforward. Our bargaining teams may not always be in a position to divulge information to our members.

If confronted by a rumour, don't spread it – check it out with a member of the LEC. It's up to stewards to reassure our members that

bargaining is proceeding in good faith. The best source of official information is always the OPSEU website www.opseu.org.

This manual contains basic information to prepare for whatever action may be required to secure a renewed collective agreement. All policies, duties, and instructions in this manual apply to all OPSEU bargaining units.

Legislation and how it affects your bargaining

Collective bargaining in Ontario is governed by different laws depending on what sector the bargaining unit is in. OPSEU units in the broader public sector follow the rules set out in the *Ontario Labour Relations Act* (OLRA). Bargaining in the Colleges of Applied Arts and Technology – including both academic and support units – falls under the *Colleges*

Collective Bargaining Act (CCBA). Bargaining in the Ontario Public Service and at the LCBO, a Crown agency, is governed by the *Crown Employees Collective Bargaining Act* (CECBA) in tandem with the OLRA. The following sections provide details about bargaining – and striking – under each of these laws.

Broader Public Sector units

Bargaining under the OLRA

This portion of the strike manual is for BPS members bargaining under the *Ontario Labour Relations Act* (OLRA) and is based directly on the OPSEU strike policy. It omits references that do not apply under the OLRA, and expands on areas where the OLRA differs from other bargaining legislation.

Under the OLRA, OPSEU negotiates with hundreds of different employers.

The OLRA sets out a series of steps which must occur before a legal strike or lockout can take place:

Notice to bargain

Either party can serve notice to bargain at any time after 90 days before the collective agreement expires. Once notice is served, the terms of the collective agreement are frozen and do not change. The collective agreement remains in effect until a new contract is reached or until a legal strike or lockout date

Negotiations

The union team meets with the employer team to exchange proposals and try to agree on items for the new collective agreement.

Conciliation

During negotiations, either party may ask the Ministry of Labour to appoint a conciliation officer. The conciliation officer is a neutral third party brought in to help the parties reach agreement on the outstanding issues. If the parties have not reached a settlement during negotiations, then conciliation is a required step. Conciliation can last one day or much longer, depending on the progress or lack of progress made.

Strike vote

Employees cannot lawfully strike unless a strike vote by secret ballot is taken within 30 days of the collective agreement expiring or at any time after the agreement expires, and more than 50 per cent vote in favour of the strike.

With a first collective agreement, the vote must be conducted after the appointment of a conciliation officer.

A strike vote must be by secret ballot and all people eligible to vote must have ample opportunity to do so. All employees in a bargaining unit, whether or not they are trade union members, are entitled to participate in such a vote.

- from the Ontario Ministry of Labour website

In the case of a first contract, the union must hold a separate strike vote and a separate vote to accept or reject the employer's offer.

A strike vote does not mean that workers will automatically go on strike. Rather, it gives the union bargaining team the authority to call a strike if necessary to achieve an acceptable collective agreement. A strong strike vote increases pressure on the employer to bargain seriously with the union team.

The “no-board” report

If conciliation fails to produce a collective agreement, either party may ask the Minister of Labour for a “no-board” report. This starts the clock ticking toward a legal strike or lockout deadline.

Mediation

This is an optional step during bargaining after the no-board report has been issued. The mediator is usually the same individual who was the conciliation officer, but mediation has a different significance as the clock ticks down to a strike or lockout deadline.

Employer last offer vote

Any time before or after the commencement of a strike or lock-out, the employer may request that the Ontario Minister of Labour direct a vote of the employees in the affected bargaining unit to accept or reject the employer's last offer on all matters remaining in dispute.

- from the Ontario Ministry of Labour website

In the case of such a vote, if employees reject the offer, the rejection is a vote in favour of strike action if necessary or the continuation of the strike or lockout if one has already begun. If they accept the offer, the contract is settled.

Strike or lockout deadline

Workers may legally strike, or their employer may legally lock them out, on the 17th day following release of the no-board report.

Ratification

Whether a bargaining unit ultimately settles its collective agreement through a strike or lockout, or neither, all employees in the bargaining unit have the right to vote by secret ballot on whether to accept or reject their new collective agreement.

Members decide

Bargaining begins with local demand-setting meetings, where local members decide what changes they would like to see in their new contract and vote on which changes have the highest priority.

Where OPSEU locals working with similar employers (such as Children's Aid Societies or ambulance operations) have an active sectoral structure, they can find out what is on the table at similar agencies across the province.

Sector links can be found on the OPSEU website (www.opseu.org). Organizing union staff on sectoral lines ensure that members go to the table armed with as much information as possible about bargaining across their sector.

This can be useful information for a local as it sets its contract demands.

Locals elect from among themselves a bargaining team to represent them at the table. This bargaining team will work with union staff to polish the contract demands into contract language and develop a bargaining strategy. The assigned OPSEU staff representative or negotiator is usually the union spokesperson at the bargaining table.

Bargaining normally continues up to and following conciliation, right up to a strike deadline. Almost all strikes are settled through negotiations during the strike. In the public sector, the most common exception to this is where the government of the day passes back-to-work legislation and either imposes a new collective agreement or sends outstanding matters in dispute to binding arbitration.

CAAT-A and CAAT-S

Bargaining and striking under the CCBA

This portion of the strike manual is for members bargaining under the *Colleges Collective Bargaining Act* (CCBA) and is based directly on the OPSEU strike policy. It omits references that do not apply under the CCBA, and expands on areas where the CCBA differs from other bargaining legislation.

With the legislative amendments of 2008, the Colleges Compensation and Appointments Council was replaced by a College Employer Council after April 1, 2010. These changes can be found in the CCBA, 2008 and the *Ontario Colleges of Applied Arts and Technology Act*.

The CCBA sets out a series of steps which must occur before a legal strike or lockout can take place:

Notice to bargain

Either party can serve notice to bargain at any time after 90 days before the collective agreement expires. Once notice is served, the terms of the collective agreement are frozen and do not change. The collective agreement remains in effect until a new contract is reached or until a legal strike or lockout date.

Negotiations

The union team meets with the employer team, representing the College Employer Council, to exchange proposals and try to agree on items for the new collective agreement.

Conciliation

During negotiations, either party may ask the Ministry of Labour to appoint a conciliation officer. The conciliation officer is a neutral third party brought in to help the parties reach agreement on the outstanding issues. If the parties have not reached a settlement during negotiations then conciliation is a required step. Conciliation can last one day or much longer,

depending on the progress or lack of progress made.

Strike vote

Under the CCBA, the union can request a strike vote. This vote is then scheduled and conducted under the supervision of the Labour Relations Board.

A majority of workers in the bargaining unit must vote in a secret ballot vote to give their bargaining team a strike mandate.

A strike vote does not mean that workers will automatically go on strike. Rather, it gives the union bargaining team the authority to call a strike if necessary to achieve an acceptable collective agreement. A strong strike vote increases pressure on the employer to bargain seriously with the union team.

Report of the conciliation officer/ "no-board" report

Where a conciliation officer has been appointed, the officer is required under the CCBA to report to the Minister of Labour within 14 days of being appointed (although this deadline can be extended if talks are progressing). If the conciliator reports that, in the words of the CCBA, "despite the efforts of the conciliation officer, the terms of a collective agreement have not been settled," then the clock starts ticking toward a legal strike or lockout deadline. This has the same effect as the "no-board" report commonly referred to under the OLRA.

Mediation

This is an optional step during bargaining after the no-board report has been issued. The mediator is usually the same individual who was the conciliation officer, but mediation has a different significance as the clock ticks down to a strike or lockout deadline.

Employer last offer vote

Under the CCBA, the College Employer Council, no earlier than 15 days before the expiry of a collective agreement, may make a request in writing to the Ontario Labour Relations Board that a vote of the employees be taken to accept or reject the offer of the Council last received by the union in respect of all matters remaining in dispute between the parties to the collective agreement.

In the case of such a vote, if employees reject the offer, the rejection is a vote in favour of strike action if necessary or the continuation of the strike or lockout if one has already begun. If they accept the offer, the contract is settled.

Strike or lockout deadline

Workers may legally strike, or the employer may legally lock them out, 16 days following release of the conciliator's report stating that conciliation has failed to produce a collective agreement, i.e., the no-board report.

Ratification

Whether a bargaining unit ultimately settles its collective agreement through a strike or lockout, or neither, all employees in the bargaining unit have the right to vote by secret ballot on whether to accept or reject their new collective agreement. This vote is conducted under the supervision of and in the manner directed by the Labour Relations Board.

Members decide

Bargaining begins with a pre-bargaining conference of local presidents, elected delegates, and the members of the divisional executive. The purpose of the pre-bargaining conference is to identify a number of broadly based issues that are relevant to the upcoming round of negotiations and to provide guidance and recommendations to the local demand-setting meetings.

This meeting elects a bargaining team composed of seven members. Two alternates are also elected. The bargaining team, in turn, elects a chair and vice-chair.

At the local demand-setting meetings, members examine the issues that were discussed and prioritized by the pre-bargaining conference.

They vote on them and decide which have the highest priority.

After all the college locals have had an opportunity to set their local demands, a final demand-setting meeting brings delegates from all the colleges together to pool the results of the local meetings and create a list of central demands, again with priority rankings.

The elected bargaining team, with support from OPSEU staff, develops its own bargaining strategy at the provincial level.

Ontario Public Service (Unified bargaining unit) - Bargaining and striking under CECBA and the OLRA

This section of the strike manual is for employees in the Ontario Public Service who are covered by the *Crown Employees Collective Bargaining Act* (CECBA), in tandem with the *Ontario Labour Relations Act* (OLRA).

Following changes to CECBA in 2016, OPSEU members in the Correctional bargaining unit no longer have the legal right to strike to resolve contract disputes. In all future rounds, when negotiations reach an impasse in the Correctional bargaining unit, all matters in dispute will be settled through arbitration. The information provided here is intended for members of the Unified bargaining unit of the Ontario Public Service.

CECBA and the OLRA set out a series of steps which must occur before a legal strike or lockout can take place:

Notice to bargain

Either party can serve notice to bargain at any time after 90 days before the collective agreement expires. Once notice is served, the terms of the collective agreement are frozen and do not change. The collective agreement remains in effect until a new contract is reached or until a legal strike or lockout date.

Negotiations

The union team meets with the employer team to exchange proposals and try to agree on items for the new collective agreement.

Conciliation

During negotiations, either party may ask the Ministry of Labour to appoint a conciliation

officer. The conciliation officer is a neutral third party brought in to help the parties reach agreement on the outstanding issues. If the parties have not reached a settlement during negotiations then conciliation is a required step. Conciliation can last one day or much longer, depending on the progress or lack of progress made.

Strike vote

Employees cannot lawfully strike unless a strike vote by secret ballot is taken within 30 days of the collective agreement expiring or at any time after the agreement expires, and more than 50 per cent vote in favour of the strike.

A strike vote must be by secret ballot and all people eligible to vote must have ample opportunity to do so. All employees in a bargaining unit, whether or not they are trade union members, are entitled to participate in such a vote.

- from the Ontario Ministry of Labour website

A strike vote does not mean that workers will automatically go on strike. Rather, it gives the union bargaining team the authority to call a strike if necessary to achieve an acceptable collective agreement. A strong strike vote increases pressure on the employer to bargain seriously with the union team.

The “no board” report

If conciliation fails to produce a collective agreement, either party may ask the Minister of Labour for a “no-board” report. This starts the clock ticking toward a legal strike or lockout deadline.

Mediation

This is an optional step during bargaining after the no-board report has been issued. The mediator is usually the same individual who was the conciliation officer, but mediation has a different significance as the clock ticks down to a strike or lockout deadline.

Employer last offer vote

Under the OLRA, which is linked to CECBA:

Any time before or after the commencement of a strike or lock-out, the employer may request that the Ontario Minister of Labour direct a vote of the employees in the affected bargaining unit to accept or reject the employer's last offer on all matters remaining in dispute.

- from the Ontario Ministry of Labour website

In the case of such a vote, if employees reject the offer, the rejection is a vote in favour of strike action if necessary or the continuation of the strike or lockout if one has already begun. If they accept the offer, the contract is settled.

Strike or lockout deadline

Workers may legally strike or the employer may legally lock out workers on the 17th day following release of the no-board report.

Ratification

Whether a bargaining unit ultimately settles its collective agreement through a strike or lockout, or neither, all employees in the bargaining unit have the right to vote by secret ballot on whether to accept or reject their new collective agreement.

Essential and emergency services

Under CECBA, a strike or lockout cannot occur until the parties have negotiated an essential services agreement to provide essential and emergency coverage at some worksites during a strike or lockout. Some union members, chosen through a random selection by union and management representatives at the worksite, may be required to perform minimum functions during a strike or lockout.

The purpose of essential and emergency services is to ensure that a strike or lockout does not cause:

- danger to life, health or safety;
- damage to machinery, equipment or premises;
- serious environmental damage; or
- disruption to the administration of the courts or the legislature.

These essential and emergency service workers will be paid by the employer during a strike or lockout at pay rates existing in the current collective agreement. The OLRB has ordered that essential and emergency workers are required to contribute a minimum of 31.375 per cent of their wages to a special union fund to help out their fellow workers who are on strike or locked out.

Many, but not all OPS locals may be required to assist with procedures under special essential and emergency services agreements. Union worksite representatives (usually the picket captain) will conduct local selection of essential employees and are encouraged to inspect worksites to ensure that only the agreed-to services are being performed and to report their findings back to the local strike committee.

OPSEU members who are designated essential or emergency services workers will be contributing to OPSEU's strike power. It is not business as usual during a strike. Their duties in the workplace are restricted to those

functions specifically outlined in the essential and emergency services agreements.

Essential and emergency service workers are, in the words of the act, “to work to the extent necessary to enable the employer to provide essential services.” The essential service worksite agreements outline those specific job functions that are to be completed. Some of these agreements were negotiated between the parties, and many agreements have been ordered by the OLRB. The employer cannot demand an essential and emergency services agreement that is so restrictive it prevents a meaningful strike from happening.

Inside picket captains are members assigned to do essential services who help enforce the essential services agreements and carry out the inside strategy. To ensure strike preparation is carried out, the members of the local executive committee should carefully decide who opts out and performs essential services before the lists are compiled.

The local needs to strategically evaluate how it will best maximize pressure on the employer inside and outside.

OPS Unified bargaining unit structure

The Unified bargaining unit in the OPS includes these classification groups, or “categories”: Administrative; Institutional and Health Care; Office Administration; and Technical/Operational/Maintenance. The Unified bargaining team bargains a collective agreement for all of these groups.

The category agreements cover, but are not limited to, issues such as wages, hours of work, overtime, and shift premiums. A local may have members in a number of categories.

All employees in the Unified bargaining unit are covered by one central agreement. The issues covered in the central agreement include, but are not limited to, job security, leaves of absence, vacations, seniority, posting and filling of vacancies, benefits, pensions, fixed-term issues, and quality public services.

The Unified agreement covers the following employees:

Administrative

Sample jobs: Systems Officer, Occupational Health and Safety Inspector, Transportation Enforcement Officer, Financial Officer, Welfare Field Worker, Biologist.

Institutional and Health Care

Sample jobs: Ambulance Communications Officer, Psychiatric Nursing Assistant, Nurse, Social Worker, Cook, Residence Counsellor.

Office Administration

Sample jobs: Clerk Supply, Customer Service Representatives, OAD series, Court Reporters.

Operational, Maintenance

Sample jobs: Air Engineer, Cable Ferry Operator, Cleaner, Pilot.

Technical

Sample jobs: Maintenance Mechanic, Scientist, Resource Technician.

Bargaining team

The Unified bargaining team has 15 members, as follows:

- seven members elected by their regions;
- two members elected by the Administrative category;
- two members elected by the Office Administration category;
- one member elected by the Institutional and Health category;
- one member elected by the Operational, Maintenance, and Technical category;
- one fixed-term representative; and
- one member from the Central Employee Relations Committee.

Demand setting

All OPS locals conduct membership surveys and hold meetings where the local's list of prioritized demands is established for bargaining team.

Under OPSEU bargaining procedures, every local must hold demand-setting meetings where members can discuss and decide what the most important goals are when bargaining starts. Results of the bargaining surveys are presented and discussed at the local meetings.

Bargaining team elections

Delegates and alternates from each bargaining unit, at each local, are elected to attend an OPSEU regional bargaining conference in their geographical location. There are seven regional bargaining conferences held at the same time. Delegates to a regional bargaining conference elect one regional representative to the Unified team and regional representatives from each bargaining category, as well as a fixed-term representative. Category and fixed-term representatives elected at the regional bargaining conferences are delegates to the Central Bargaining Conference. At the Central Bargaining Conference, the final election of category and fixed-term representatives takes place to complete the bargaining team.

Strike/Ratification votes

Regional, service area, or local membership information meetings must be held to help inform members about the proposed contract changes.

Notice for the meeting must be posted at least three days before the meeting date in a manner that ensures all bargaining unit employees will be notified, including those who pay union dues but who are not members of the union.

As a rule, only one local meeting will be held. However, special arrangements may be made

to cover shift workers. The OPSEU President may authorize mail-in ballots in special circumstances to cover remote locations.

OPS local presidents may be called to a regional service area meeting to discuss details before the vote. All stewards will receive a written summary or bulletin about the issues at stake or the proposed new agreement, which must be distributed to members before the vote.

All votes are taken by secret ballot. Bargaining unit employees who are not OPSEU members (i.e., dues-paying non-members, members not in good standing) are entitled to vote, provided they are identified by an OPSEU member before being given a ballot.

No results of the vote will be made public until all provincewide results are relayed to OPSEU Head Office for a final tally and communicated to the bargaining team(s).

Liquor Board Employees Division

Bargaining under CECBA and OLRA

This portion of the strike manual is for employees of the LCBO, a Crown agency. They bargain according to the *Crown Employees Collective Bargaining Act* (CECBA) in tandem with the *Ontario Labour Relations Act* (OLRA).

CECBA and the OLRA set out a series of steps which must occur before a legal strike or lockout can take place:

Notice to bargain

Either party can serve notice to bargain at any time after 90 days before the collective agreement expires. Once notice is served, the terms of the collective agreement are frozen and do not change. The collective agreement remains in effect until a new contract is reached or until a legal strike or lockout date.

Negotiations

The union team meets with the employer team to exchange proposals and try to agree on items for the new collective agreement.

Conciliation

During negotiations, either party may ask the Ministry of Labour to appoint a conciliation officer. The conciliation officer is a neutral third party brought in to help the parties reach agreement on the outstanding issues. If the parties have not reached a settlement during negotiations then conciliation is a required step. Conciliation can last one day or much longer, depending on the progress or lack of progress made.

Strike vote

Employees cannot lawfully strike unless a strike vote by secret ballot is taken within 30 days of the collective agreement expiring or at any time after the agreement expires, and more than 50 per cent vote in favour of the strike.

A strike vote must be by secret ballot and all people eligible to vote must have ample opportunity to do so. All employees in a bargaining unit, whether or not they are trade union members, are entitled to participate in such a vote.

- from the Ontario Ministry of Labour website

A strike vote does not mean that workers will automatically go on strike. Rather, it gives the union bargaining team the authority to call a strike if necessary to achieve an acceptable collective agreement. A strong strike vote increases pressure on the employer to bargain seriously with the union team.

The “no board” report

If conciliation fails to produce a collective agreement, either party may ask the Minister of Labour for a “no-board” report. This starts the clock ticking toward a legal strike or lockout deadline.

Mediation

This is an optional step during bargaining after the no-board report has been issued. The mediator is usually the same individual who was the conciliation officer, but mediation has a different significance as the clock ticks down to a strike or lockout deadline.

Employer last offer vote

Under the OLRA, which is linked to CECBA:

Any time before or after the commencement of a strike or lock-out, the employer may request that the Ontario Minister of Labour direct a vote of the employees in the affected bargaining unit to accept or reject the employer's last offer on all matters remaining in dispute.

- from the Ontario Ministry of Labour website

In the case of such a vote, if employees reject the offer, the rejection is a vote in favour of strike action if necessary or the continuation of the strike or lockout if one has already begun. If they accept the offer, the contract is settled.

Strike or lockout deadline

Workers may legally strike or the employer may legally lock out workers on the 17th day following release of the no-board report.

Essential and emergency services

Under CECBA, a strike or lockout cannot occur until the parties have negotiated an essential services agreement.

The purpose of essential and emergency services is to ensure that a strike or lockout does not cause:

- danger to life, health or safety;
- damage to machinery, equipment or premises;
- serious environmental damage; or
- disruption to the administration of the courts or the legislature.

In the case of the LCBO, such an agreement would only apply to a small handful of workers such as stationary engineers who may need to work some hours to prevent damage to LCBO equipment. The vast majority of OPSEU members at the LCBO would not be affected in any way by essential services negotiations.

Ratification

Whether a bargaining unit ultimately settles its collective agreement through a strike or lockout, or neither, all employees in the bargaining unit have the right to vote by secret ballot on whether to accept or reject their new collective agreement.

Members decide

Under OPSEU bargaining procedures for the Liquor Board Employees Division, bargaining begins with the local demand-setting survey.

This survey gives all members input into the bargaining proposals for the division. Results of the survey are compiled into a report and presented to elected LBED delegates who attend the pre-bargaining conference. The pre-bargaining conference is also the place where the bargaining team and alternates are elected.

Following the pre-bargaining conference, OPSEU locals hold their local demand-setting meetings. These meetings are open to all members, who debate and vote on key bargaining priorities. Each local then sends its priorities to OPSEU, where priorities from all locals are compiled into a report and handed over to the bargaining team.

A final demand set meeting is then held where delegates discuss and adopt their final demands and rank them in priority.

After receiving member demands, it is the job of the bargaining team to develop a bargaining strategy. The team is assisted by OPSEU staff who have expertise in bargaining, research, benefits, pensions, communications, and campaigning.

Strike or lockout timing

<p>Bargaining starts here under the <i>Crown Employees Collective Bargaining Act (CECBA)</i>.</p>	<p>Essential services agreement - termination Either party may terminate an existing essential services agreement at any time after 190 days before expiry of the collective agreement.</p>
	<p>Essential services agreement – bargaining If there is no essential services agreement in place, the parties must begin bargaining a new essential services agreement 180 days before expiry of the collective agreement.</p>
<p>Bargaining starts here under the <i>Ontario Labour Relations Act (OLRA)</i> and the <i>Colleges Collective Bargaining Act (CCBA)</i>.</p>	<p>Notice to bargain Either party may give notice to bargain at any time after 90 days before expiry of the collective agreement. Wages and working conditions are frozen.</p>
<p>Strike vote The union may take a strike vote at any time after 30 days before expiry of the collective agreement.</p>	<p>Bargaining....</p>
	<p>Conciliation Either party may request appointment of a conciliator.</p>
	<p>Bargaining Bargaining continues with the help of conciliator.</p>
<p>Employer last offer vote The employer may request (once) that employees vote on its last offer at any time (under OLRA/CECBA) or at any time after 15 days before expiry of the collective agreement (CCBA).</p>	<p>“No-board” report Either party may request a no-board report to start the clock ticking towards a legal strike or lockout deadline.</p>
	<p>Strike or lockout deadline set The legal strike or lockout deadline is 16 calendar days (CCBA) or on the 17th calendar day (OLRA/CECBA) after the no-board report is issued.</p> <p>Mediation Either party may request the help of a mediator (optional).</p> <p>Legal strike or lockout</p> <p>Bargaining during strike or lockout</p> <p>Tentative collective agreement</p> <p>Ratification</p> <p>New collective agreement</p>

1. Strategy and tactics

Regardless of where you work, or what legislation covers your negotiations, once you are on strike or locked out, all OPSEU strikes follow the OPSEU strike policy – Section 25 of the OPSEU Policy Manual.

Mobilizing our members before the strike vote and the strike deadline shows the employer we are ready to defend our contract. A strong strike mandate applies direct pressure on the employer and gives bargaining teams the strength that they need to achieve your demands at the table.

Our goals, our strategy

For centuries, workers have withdrawn their labour to pressure their employers to improve their working conditions. All strikes have provided valuable lessons on how to develop more effective strategies.

An effective strike depends on thoughtful strategy, strong solidarity, intelligent organization, and well-defined roles for all participants.

Strike action is collective action. Leaders at every level must act deliberately to strengthen the strike by building solidarity between striking members and:

- › members providing essential services; (*OPS and LBED only*)
- › non-striking OPSEU members;
- › the labour movement;
- › the users of the service they provide;
- › the community at large.

Building our bargaining leverage

Negotiating contracts is a complex skill that demands creativity, judgment, openness, bravery, and sacrifice under intense pressure. It's like steering a race car.

Winning races takes more than steering. You can have the best driver on the track, but if you don't have power, you're not going anywhere. In collective bargaining, power comes from the support of union members.

Not all bargaining happens at the bargaining table. Experience has shown that employers move at the bargaining table when members take action inside and outside the workplace. There are many ways of showing support for your bargaining teams, but the best is to become active, both vocally and visually.

What motivates members?

Members tend to get involved in mobilizing for three reasons:

- › Self-interest – the issue affects them directly.
- › Sense of community/shared values – people identify with and care about other people who either live in the same area or are like them in some respect. They feel a sense of duty to participate as an expression of common values.
- › Labour movement (a vision beyond bargaining) – they see themselves as part of a larger social cause, and bargaining is one way they advance that cause.

Success in mobilizing depends on tapping into these three motives and communicating with each member in a way that is personally meaningful. Strong member support can give bargaining teams the leverage they need to bargain successfully.

Tips for one-on-one contact

Appeal to members' self-interest. What's in it for them?

Appeal to a larger cause. The more members take part in strike preparation, the less chance of a strike.

Have a clear goal. Know why you are asking them to do something, or even why they should attend a local meeting or be a part of a workplace action.

Use bargaining literature to break the ice with uninvolved members.

Encourage members to ask questions. Ask for ideas and opinions. Discussion should enable them to draw their own conclusions.

Listen. Be honest and frank. If you don't know the answer to a question, that's okay. Don't make up an answer – get back to the member later.

Be polite. If someone refuses to talk to you, don't get into an argument – just follow up with them later.

Start small. Find specific tasks for members to do. For example, ask a member to distribute 10 buttons to the co-workers in their area and from there, encourage greater involvement.

Remove barriers to participation. Do meeting times make it possible to attend? Is food provided by the local? Is the meeting accessible? Does the agenda include time for new members to be brought up to speed?

Have fun!

Demonstrating our solidarity

Any activity that shows that the membership is prepared to take organized action will help our bargaining teams reach a settlement. These activities could originate with the bargaining

teams or be planned by the local. Plan inclusive events and enlist as many members as possible.

Show your union colours

In the early stages of mobilizing, the first job is to increase union visibility in the workplace. Doing this is simple. Put up OPSEU posters wherever you find a bare wall. Get OPSEU-branded paraphernalia. Buy OPSEU flags for your local and display them prominently.

Mobilization can ramp up with actions such as the following:

- › Co-ordinated actions: wearing stickers and buttons, wearing same colour clothing, taking breaks as a group, arriving at work/leaving work together
- › Organizing union food drives and charitable donations
- › Picketing at the employer's offices
- › Holding a union barbecue
- › Setting up union information booths and holding information meetings in the workplace

Note: To increase attendance at lunchtime events, it helps to supply food or refreshments.

Displaying signs can inform members, the public, and management about specific issues without asking employees to stop work or customers to withhold their business.

Mini-campaigns

Workplace actions (internal)

Start with an issue that reinforces the union's bargaining proposals, affects a large number of workers, and has a clear, winnable solution.

- › Conduct a survey to document the problem. Educate workers about the issue and the union's efforts to do something about it.
- › Circulate a petition and promote the union's proposed solution.
- › Organize actions in an escalating pattern.

Start with symbolic protests like button days, and build toward mass meetings or a refusal to complete certain tasks until the issue is resolved.

Outcome/Benefit

Claim victory if the employer agrees to a solution. If the employer refuses on grounds that workers have no right to the proposed change under the current contract, point to the refusal when organizing member support for the bargaining teams.

Contract enforcement (internal)

In this tactic, stewards encourage the employer to respect the collective agreement by filing grievances over every violation of the contract. It can mean taking legal action on employer actions that violate health and safety regulations, employment standards, municipal bylaws, or other laws.

Organizing a contract enforcement effort may require a special meeting/training session for stewards to prepare them to make sure each worker is contacted.

Members should be provided with a leaflet explaining the purpose of the effort and the sections of the contract or laws that are most likely to be violated. To add to the

pressure, violations could be publicized in local newsletters and the media.

Outcome/benefit

It reminds the *employer* of the differences between labour peace, where we may speak to them about our concerns to attempt resolution, and the kind of labour trouble that can develop if a fair contract can't be reached.

It reminds *members* of the importance of their contract rights and their legal rights.

Working-to-contract (internal)

Work to contract tactics should be discussed with local presidents and executive members to ensure that legal requirements are met. Workers must understand the difference between work-to-contract, and a work slowdown or refusal to follow directions, which are generally illegal. On a work-to-contract campaign, workers cannot withdraw services or refuse to follow directions, but they can show the employer that they support the bargaining team(s).

In many cases, the most powerful worksite tactic is for members to do only what they are required to do under the collective agreement.

DO:

- › Take your breaks
- › Take your full lunch hours
- › Follow all of the employer's rules
- › Follow the Occupational Health and Safety Act
- › Be extra kind to clients and the public
- › Organize study sessions of the employer's offer
- › Enforce the contract

DON'T:

- › Take any short cuts.
- › Volunteer to work overtime.
- › Talk to supervisory personnel, except where the job requires it.

Outcome/Benefit

The employer relies upon OPSEU members to provide high-quality public services in understaffed workplaces every day. It reminds the employer of the extra work that these employees continually put in.

Political actions (external)

Most politicians are extremely sensitive to public opinion. They respond to political pressure and negative media. Lobbying your MPP or municipal councillor can influence government policy choices and your contract.

Lobbying includes any means of directly communicating with a public official, such as:

- › sending postcards
- › phoning
- › emailing
- › visiting their office
- › leafleting the riding
- › holding rallies or demonstrations outside their office

Outcome/benefit

By lobbying your MPPs, you can persuade them to support OPSEU members. A co-ordinated effort is a powerful tool to support our bargaining team(s). The MPP can be part of the solution in getting the contract improvements you deserve.

2. Roles and structures

In large-scale, multi-location strikes, OPSEU centrally, regionally, and locally organizes support structures to ensure that the bargaining team(s) and members can achieve their goals and run an effective strike.

The members

All members of a striking bargaining unit are expected to perform strike duties as assigned by their strike committee.

The bargaining team

It is the job of the elected bargaining team(s) to negotiate collective agreements. To guide negotiations, the bargaining team(s) shall consult regularly with members, the strike committees, area co-ordinating groups, and/or the provincial co-ordinating group, where applicable.

Provincial Co-ordinating Group (PCG) – the central strike strategy committee

A Provincial Co-ordinating Group (PCG) is established to coordinate strike activities. The PCG is comprised of the OPSEU President (or designee), the First Vice-President/Treasurer, Executive Board Members as assigned, the chair(s) and vice-chair(s) of bargaining team(s), the OPSEU negotiators and other OPSEU staff, as assigned. Their role is to develop the mobilization, communications, and strategy leading up to and during a strike or lockout.

Strike mobilization and administration activities are coordinated through area co-ordinating groups and the local strike committees.

Area co-ordinating Groups (ACGs) – collective leadership in a strike

Area Co-ordinating Groups, also referred to as “clusters”, pull together locals from a geographic area. Made up of the Executive Board Members, bargaining team members, and Local Presidents (or their designee), ACGs co-ordinate mobilizing and strike activities in a geographically defined area. A co-ordinated strategy across geographical areas maximizes the effectiveness of the strike. They implement the strategies of the PCG and provide support to striking locals by enabling locals to pool resources and share headquarters.

Responsibilities of the ACG Strike Committee

- › assist locals in setting up local strike committees and local strike headquarters
- › assess strike preparation needs to avoid duplication
- › report regularly to the PCG
- › assist locals in planning membership meetings and voting procedures
- › assist with some strike administration functions for the service area
- › organize multi-local rallies and special events
- › co-ordinate picketing to ensure strong picket lines at key facilities
- › report legal issues
- › co-ordinate hardship relief fundraising and distribution to the Local Hardship Committee.

Local strike committees

The local executive committee (LEC) becomes the nucleus of a local strike committee in the time leading up to a strike deadline. It is chaired by the Local President and runs all

aspects of a strike or a lockout at the local level.

The local strike committee is responsible for coordinating strike strategy, and all subcommittees (strike duties, finance, and strike communications), as well as any issues that may arise during a strike.

Committees should be set up many weeks before a strike deadline. This not only ensures that all preparations are undertaken, but also sends a message to the employer that OPSEU members are serious about negotiations.

It is the role of the local strike committee to ensure all members follow strike strategy.

The local strike committee must include:

- › the LEC (including strike duties subcommittee and picket captain co-ordinator)
- › assigned Staff Representative
- › any other members or stewards the LEC may appoint to the committee to ensure that all bargaining units and all worksites are represented.

Members of the local who are on the bargaining team(s) are ex officio members of the local strike committee.

(OPS and LBED only)

In locals with essential and emergency services agreements (EESAs), worksite representatives and inside picket captains should be included in the local strike committee. In large locals with EESAs, policing the application of the agreement may require a separate subcommittee, which includes a representative of the local health and safety committee.

3. Committee operations

Strike committee operations

When selecting committee members, consider the following:

- › Committee members must clearly understand their duties and how they relate to the overall work.
- › Approach stewards and members who are competent, energetic, show an interest or have experience. Strikes are an excellent opportunity to learn new skills, so spread the work.
- › Involve new people. In most cases, there is too much work for the same core of local leaders to handle. Contract mobilization provides a good opportunity to recruit new activists, because there are a wide variety of tasks and a heightened feeling of group spirit.
- › Committees should reflect the makeup of the workforce, with a good balance by department, job type, seniority, age, gender, race, ability, and ethnic background. This balance ensures that the union's proposals and strategy accurately reflect the membership's concerns, and that we have the greatest possible membership support.
- › Be prepared to hold people accountable for getting the job done.

Tips on committee operations

- › Start planning early.
- › Don't call a meeting unless there is a purpose. Meetings need not be long, but should be held regularly in the early stages of a strike.
- › Each subcommittee must report daily to the strike committee.
- › Try to keep the same members on the committees during the strike.
- › Meetings should include a report on progress and should search for solutions to any problems.
- › Teach people how to get other workers to help them.
- › Discuss assignments that committee members have taken on and how other workers could help with those tasks.
- › Maintain a system for accountability and support. Spell out each task clearly, including a target date for completion. Keep a record of committee operations.
- › Make sure each person knows what everyone else is doing – log books are helpful.
- › Have committee members give progress reports. This should be an opportunity to share ideas and to decide what to do if previous plans are not working out.

Responsibilities of the local strike committee

In a provincewide strike, it's up to the local strike committee to decide which tactics and strike strategy recommended by the Provincial Co-ordinating Group are possible to implement.

The local strike committee must oversee the completion of the following, in conjunction with subcommittees:

- › In co-operation with the area co-ordinating groups, plan logistics for strike votes, and explain bargaining issues and/or the final offer to the members.
- › Recruit stewards and members on subcommittees to do the legwork, especially to prepare for strike duties.
- › Communicate with members, allies, and the public.
- › Sign up non-members before a strike/lockout. Canvass them immediately so they can't say no one asked them. Explain to them that dues-paying non-members are not eligible to receive strike pay.
- › Set up local strike headquarters.
- › Make necessary financial arrangements for strike accounts, etc.
- › Modify members' strike duties as per accommodation requests.
- › Consider requests made to the hardship relief fund.
- › Assist essential services worksite representatives (*OPS & LBED only*)

Local strike committee chairs participate in the area co-ordinating group strike committee to coordinate activities, share resources, and plan and execute strike strategy.

Well before any strike, the bargaining unit will do as much as possible to build co-operative relationships with potential allies.

Committees need to spend some time considering the forces working for and against them: the members and their allies, the employer and its allies, service users, the community, the news media, municipal and provincial politicians, current events, and so on.

Committee meetings should be scheduled in conjunction with the staff representative. The success of the strike will be their main priority.

Accommodation

All members of a striking bargaining unit have the right to participate fully in the strike. However, some members may not be able to perform all strike duties. In such cases, the strike committee has a legal and moral obligation to modify the members' strike duties to enable them to earn strike pay. This is called accommodation.

The *Human Rights Code* may require accommodation so as not to discriminate on the basis of race, sex, colour, ancestry, place of origin, ethnic origin, marital status, creed, gender identity, gender expression, sexual orientation, age, disability, citizenship, family status, or religion.

Members have a duty to inform their strike committee if they require an accommodation and to co-operate in finding solutions. Those requiring accommodation to perform modified strike picket duties must fill out **Form J (Picketing/Accommodation Information)**. Details of a member's needs are confidential. A member of the strike duties subcommittee shall be assigned to deal with these requests.

Accommodation must be provided in a manner that respects the dignity of the person. This includes the way in which accommodation is provided and the individual's participation in the process.

The strike committee should respond to accommodation requests in a timely fashion and ensure that the accommodation continues until the member no longer needs it.

Members who feel they are not being accommodated may seek help from their staff representative regional harassment and discrimination advisers and/or their OPSEU Regional Vice-President. OPSEU's Harassment and Discrimination Prevention Policy provides a process for filing and resolving complaints.

No member shall be denied strike pay because the strike committee cannot provide alternate duties.

Hardship cases

A lengthy strike can take a toll on families' finances. Being on strike is a financial hardship, but not all striking members are equally well-equipped to handle this hardship. The strike committee may provide these members with extra help over and above strike pay. This is called "hardship relief." Hardship is when members have exhausted all other options.

Upon receiving a request for hardship relief, the strike committee sets up a local hardship relief committee. This committee shall have two or more members.

The tasks connected with hardship relief require tact and diplomacy, as well as a good business

sense, since relief counsellors will need to provide advice to members experiencing financial problems. Counsellors should also have the ability to recognize signs of problems that may require other kinds of assistance. If there are any local members who have taken the union counsellor course, or have a similar background, their skills may be useful to the strike finance subcommittee for these duties.

The hardship relief committee will assist members in a variety of ways to assess the request, administer funds, work with others in your area to solicit donations for the hardship fund, notify and negotiate with local financial institutions, and ask for help, where necessary from the First Vice-President's Office. The area coordinating group coordinates local hardship fundraising efforts and channels funds to the neediest members in the area.

There are many community agencies that can provide assistance to members in time of dire need. In most communities, it is usually possible to find at least some agencies that deal with finding a job, assistance for food, shelter, clothing, heat, and child welfare.

Subcommittees

Your local strike committee has three main subcommittees: finance, communications, and strike duties. In larger locals, there may be off-shoots of these main subcommittees. The responsibilities and duties of each are in this section.

Strike finance subcommittee

This committee is responsible for trouble-shooting, welfare, fundraising, and scrounging. It is often headed by the local treasurer. In larger locals, there may be separate subcommittees to break up these duties.

OPSEU strike policy says that the strike finance subcommittee will:

- › make sure that strike pay, and advances for strike administration are administered and accounted for in accordance with OPSEU policy; and
- › make sure that **Form E (Strike Administration Expense)** is completed and submitted regularly to the staff representative for approval, with original receipts/invoices attached.

When the strike is over, the subcommittee will:

- › submit to the staff representative a completed **Form I (Final Account of Strike Fund)**, reconciling advances received and expenditures made during the strike; and
- › provide a full report on all strike finances to the local's next general membership meeting.

Strike preparation

The strike finance subcommittee will require a completed **Form B (OPSEU Members Personal Information Form)** in order to process strike pay.

- › LEC members will receive an electronic fillable PDF of **Form B** and can distribute this form by email to their members who wish to fill it out electronically or can print and distribute it to their members by hand.
- › Each member must fill out and sign **Form B**. Otherwise, they cannot perform picket duty and, therefore, will not receive strike pay or be covered for benefits.
- › The local keeps a copy of **Form B** with the member information for the strike finance subcommittee.
- › The original form, with the member's direct deposit information included, can be submitted by the member directly to OPSEU. This ensures confidentiality of their banking information. **NOTE: All members must receive strike pay through direct deposit to their financial institution. Members who do not provide this information will NOT receive strike pay.**

After the members have voted to strike and before the start of a strike, locals can request a \$1,500 start-up advance by completing **Form A (Application for Strike Administration Advance)** and submitting it to the staff representative for approval and processing.

On an ongoing basis, **Form E (Strike Administration Expenses)** should be completed and forwarded to the staff Representative for approval and processing.

NOTE: all original receipts must be attached.

The subcommittee can apply for reimbursement after the strike for purchased items that are deemed reuseable by filling out **Form H (Reimbursement for Strike Items Returned to OPSEU)**. Items will have to be returned to the attention of the local's staff representative. Once items are returned and accounted for, the staff representative will approve and process the request.

As per section 5.1.3 in OPSEU's Policy Manual, locals that have submitted an up-to-date Trustees' Audit Report (TAR) to their regional offices can receive an extra quarterly rebate cheque equivalent to the last rebate cheque after the strike has begun. A completed **Form D (Request for Additional Quarterly Rebate)** must be submitted. In the case of a unit that is part of a composite local, it will receive a pro-rated portion of the last rebate cheque. This money may be used for strike expenses not covered by policy.

Strike administration

Where do I get all the necessary forms?

All administration forms are either at the back of the strike manual, available from your LEC members, or from your regional office.

The chair of the strike committee or strike finance subcommittee fills out and submits **Form C (Pre-Approval of Strike Items Request)** indicating what items they require for the possible upcoming strike. All items must be pre-approved through the staff representative and regional office supervisor before the expenditure.

What costs are covered for strike administration?

OPSEU will reimburse locals for the following strike administration expenses, as per policy:

- › appropriate strike headquarters and/or strike trailer rentals, as approved by the staff representative;

- › hydro hook-up or rented electricity generator, and generator fuel;
- › portable toilets, where necessary;
- › land-based telephone lines and related charges, as well as cellphone usage, where necessary, up to a maximum of \$100 per month.

In exceptional cases, expenses not listed above may be reimbursed, if they are authorized by the staff representative first, and if they are approved before the expenditure is incurred.

All strike expenses must be supported by original receipts or invoices. Expenses must be reasonable and/or be the lowest-cost option.

Running strike finances

1. Each striking local must regularly forward a completed **Form E (Strike Administration Expense)** to the staff representative for approval and processing.

This form must be signed by a member of the strike committee or strike finance subcommittee and accompanied by original supporting receipts/invoices.

Your local won't receive any additional strike funds until **Form E** is completed and submitted to the staff representative, along with accompanying documentation.

2. Locals must keep copies of all strike administration forms and supporting documentation, such as receipts, disbursements, paid invoices, etc.

Strike pay

Who is eligible to receive strike pay?

- › Those who perform a minimum of four or more hours of strike duty per day and a total of 20 or more hours per week.
- › Members who are unclassified/seasonal, part-time or partial load employees shall receive the same strike pay as members working full time, based on their hours of picket duty.

- › Non-members are not entitled to receive strike pay. It's important to ensure that everyone who is receiving strike pay has signed a union card. People often assume, mistakenly, that because dues are deducted from their pay, they are union members.

To receive strike pay and benefits, members must complete the contact information and list of dependants section (including signature) of **Form B (OPSEU Members Personal Information Form)**. They must make a copy of this form and submit it to their local.

They must then **sign** the Direct Deposit section of **Form B**, and attach a void cheque or a direct deposit form from their financial institution. The form and attachments should be placed in an envelope marked "Attention (Sector Name) Strike" and mailed to OPSEU.

Members who do not submit direct deposit information will NOT receive strike pay.

Note: A member who works for two employers represented by OPSEU and is on strike against both at once does not receive double strike pay.

How much is strike pay?

Note: Only members who have completed three weeks of picket duty are entitled to an increase in strike pay.

As per OPSEU policy, strike pay is as follows:

	Member	Each dependant
Weeks 1- 3 daily max	\$ 40	\$ 10
Weeks 1- 3 weekly max	\$ 200	\$ 50
Weeks 4+ daily max	\$ 60	\$ 10
Weeks 4+ weekly max	\$ 300	\$ 50

Strike pay is earned daily but paid weekly. The weekly maximum shall be no more than five days (or 20 hours) of strike pay.

Note: Strike pay is only paid if the strike lasts for more than one day. A strike that lasts one day or less does not entitle members to strike pay. If the strike lasts for more than one day, strike pay is retroactive to the first day that strike duties are performed.

Supplementary strike pay (any strike pay provided to members that is above and beyond the amount dictated by OPSEU policy) must be paid for entirely by the local.

How to administer strike pay

After the membership has voted to strike but before a strike starts, each unit must set up its strike accounting structure. Each unit must provide their staff rep with the name of the member elected as the strike finance chair.

OPSEU will then provide the strike finance chair with access to the **My Members** tab on the **Member Portal** website (<https://opseu.org/members-login>) for the purposes of recording strike duty hours. Full instructions on how to log on to the portal and record duty hours will be provided in a separate document before the strike deadline.

Strike pay is calculated based on the strike duty hours submitted from **Form F (Weekly Strike Duty Performance Register)** by the strike finance chair through the member portal. Strike pay is calculated and submitted weekly. OPSEU will pay members for their picket duty based on these submissions. Payment will be issued by direct deposit.

The following must be submitted for OPSEU to process strike pay:

1. A completed original **Form B** for each member requesting strike pay and benefits with direct deposit agreement information.
2. For members wanting to cross-picket a completed **Form J (Cross Picket Request)**

must be submitted to your OPSEU regional office. Before the strike finance chair can record duty hours for the cross-picketing member on the Member Portal, your OPSEU regional office must update UnionWare with the cross-picket location for the member.

3. Picket captains must deliver a completed and signed **Form F (Weekly Strike Duty Performance Register)** to their strike finance subcommittee.
4. The strike finance chair must enter all approved hours on the **My Members** tab of the Member Portal for calculating strike pay amounts. The chair must ensure that all data is complete and accurate to avoid delay in payment.
5. OPSEU Accounting will process and issue the strike pay to the members account and email the member.

Bargaining team members are assigned their strike duties by the team chair, as opposed to the local, with strike pay dependent upon performance of such duties. Strike pay for bargaining team members will be issued through their home local upon authorization by the bargaining team chair.

For strike purposes, a week is seven consecutive calendar days. The first day of the strike is the first day of week one.

The first strike pay will not be issued until seven days after the beginning of the strike. Thereafter, strike pay will be issued weekly.

Who is responsible for handling disputes over strike pay?

Disputes over entitlement to daily strike pay may be appealed to the strike committee, whose decision shall be final and binding.

What needs to be done once the strike is over?

No later than 60 days after the end of the strike, the local must:

- › pay all bills arising from the strike;
- › provide a full account of all funds received, including the \$1,500 strike advance, with supporting documentation, by completing **Form I (Final Account of Strike Fund)** and returning it to the staff representative for processing; and
- › provide a full report on strike finances to a general membership meeting.

Form E (Strike Administration Expense)

must be completed and submitted to the staff representative. Originals of paid invoices must be attached to these statements.

Scrounging and fundraising – scrounging subcommittee

Money, goods, and services can be obtained if the right people are on the scrounging committee.

It has the broad mandate to raise funds for the strike, acquiring goods or services that will save administrative costs and raise some money for the members and their families.

Form a scrounging committee to solicit aid from other OPSEU locals, other unions, and any organizations in your communities that may support you or be sympathetic to the strikers' situation.

Appeals will be made by OPSEU to the National Union of Public and General Employees (NUPGE) and the Canadian Labour Congress (CLC), and where applicable, to affiliated unions.

Working with the area coordinating group and local strike committee, the scrounging committee should approach the local labour council, as well as OPSEU area councils, for assistance. Members of other unions in the community can be asked to appeal to their fellow workers and take up a collection where they work. Collecting outside their workplaces (often called "tin-canning") should be discussed with the union concerned.

Scrounging committees may arrange the loan of a camper van, a microwave or large coffee pot for strike headquarters, as well as games and materials if there's a strike day care centre. Cookies, coffee, sandwiches, and canned goods can come in handy and can be scrounged by the committee, as well as clothing or children's presents if the strike is likely to last over a traditional holiday.

Locate a supply of burning barrels and a good source of scrap lumber to keep pickets warm in cold weather.

Communications subcommittee

Communication is the key to a successful strike

During negotiations and especially during any resulting job action or strike, there are regular updates through the OPSEU website, email, and bargaining newsletters.

When setting up the communications subcommittee, it is wise to recruit members

with good writing skills, and computer skills, and members who are creative.

Clear communication with members directed by your area coordinating Groups is a vital tool in keeping members informed. Creating an effective and informed network linked to all worksites is the best way to answer membership questions about what's going on at

the bargaining tables. All stewards must assist in the dissemination of information.

The communications subcommittee is responsible for two-way communications between bargaining unit teams and members.

The committee shares information with other OPSEU locals, the area co-ordinating group, and OPSEU's Communications Department. One of the most important roles is to provide information and liaise with local labour bodies, community organizations, and the community at large.

Duties of subcommittee members

- › Prepare and post notices for meetings and rallies.
- › Write and distribute local newsletters.
- › Prepare, maintain, and activate telephone trees as required.
- › Keep files on all messages received at headquarters and follow up.
- › Organize rallies and other morale boosters.
- › Issue news releases, recruit media to events, and prepare local spokespeople for interviews as needed.
- › Handle all social media (e.g., Twitter, Facebook).
- › Take photographs and videos at rallies and keep a record of events for the local.
- › Keep members informed with current information.
- › Share information with other locals, area co-ordinating groups and OPSEU Communications.

Our message to the media

We want to ensure that the union is speaking with one voice and not giving out inaccurate or contradictory information and opinions. News reporters should be referred to local strike

headquarters, the OPSEU regional office or the OPSEU Communications Department. Official union publications must always be authorized for distribution by the President of OPSEU.

Helping news reporters do their job

Local officials should meet well in advance with reporters who will be covering the strike or lockout in order to brief them on the issues and the bargaining process. Identify the reporters who cover labour issues, or call the city desk at the newspapers or the news director at a TV or radio station. Don't overlook the smaller community newspapers – they may prove to be our best allies.

Give reporters the facts so they don't have to hunt for them. The easier we make their job, the better the coverage we are likely to get.

Before an interview or in planning a statement for a news release or news conference, try to develop a catchy way of expressing our main message so reporters can come away with the good, short quotes they need.

If you want a reporter to cover a particular event, such as a rally or community meeting, always call to invite them. The news release we sent may have been misplaced or it may not have stood out from others received.

Ask reporters about schedules that are most convenient for them. For example, scheduling a news conference for late in the afternoon may be good for our members, but may come at a time when most reporters have already completed their stories.

When dealing with reporters:

- › Don't lie and don't guess. If you don't know an answer, find out and get back to them.
- › Don't assume that any statement is truly off the record. A reporter's first loyalty is to the story. If a particular fact shouldn't be in print

or on the air, don't give it to the media in the first place.

- › Don't ignore the impact of social media sources. It can help you get your message out, so be mindful that the content posted accurately reflects the position of both the union and bargaining team(s).
- › Don't be upset that reporters report what the other side has to say. That's their job.
- › Don't assume reporters understand all details of the labour movement. Offer to explain the basics.
- › Don't take a hostile approach or cut off contact with a reporter. It only hurts your chances of getting better coverage.

Organizing successful rallies and demonstrations

Well organized rallies can be a way to pressure the employer by demonstrating worker solidarity and support from allies and by attracting public attention. Rallies can also boost group spirit by letting workers see proof of their strength in numbers.

Rallies that are well attended and smoothly run can boost morale and create interest in future organized events.

Spread the word:

- › One-on-one contact is the most effective way to get support for your event. If this isn't possible, organize a network of on-the-job contacts or use the phone tree to remind each worker to come to your event. Asking for a commitment to attend is always helpful.
- › Involve members in making banners, signs, or other props ahead of time. Keep the message simple and in large enough type to read at a distance and to show up well in photographs or on TV.
- › Use social media to reach more members.

- › Contact appropriate reporters at a variety of media outlets. Offer to have a member meet the reporter at a particular time and assist the reporter throughout the event by identifying workers to interview or explaining something one of the speakers said.

Make it fun:

- › Consider balloons with slogans printed on them as a way to make the event seem more spirited.
- › Give members an opportunity to play an active role by brainstorming ideas for chants and planning march routes ahead of time.
- › Arrange for musicians to lead the crowd in singing before and after the speeches and, if appropriate, once or twice between speeches.

Speeches:

- › Use humour to make some of the points that may otherwise be buried in serious speeches. For example, ask one of the members to dress up as the top management official and give a speech that parodies management's positions.
- › Talk with speakers ahead of time about what they are going to say and set time limits. If politicians are going to speak, ensure that they will use the time to clearly endorse the union's position.
- › Include among the speakers, members of the unit and, if appropriate, members' spouses – all of whom can speak from the heart about what the contract means to them.

Logistics:

- › Talk to local police well in advance about permits you may need.
- › For a big rally, train marshals to keep order and help anyone who becomes ill or lost. Provide arm bands or vests to identify the marshals.

- › Test the sound system enough in advance so that you can get other equipment to the event if something is not working properly.
- › Arrange to have photographs taken.

End the rally with a clear statement of what the next step is and how people can get involved.

Strike duties subcommittee

The strike duties subcommittee provides on-the-ground leadership and administrative support to picketers. They select picket captains and may assign picket co-ordinators to complete selected duties. One or more members of this subcommittee may be assigned to accommodation requests.

Strike duties subcommittee responsibilities

- › Reports to the Local Strike Committee
- › Handles relations with police
- › Sets up picket lines and rest areas
- › Handles logistics
- › Recruits stewards and members to act as picket captains and provide ongoing support
- › Ensures that all striking members are assigned strike duties
- › Organizes picket teams
- › Helps recruit essential service workers to act as inside picket captains (*OPS and LBED only*)
- › In co-operation with the strike finance subcommittee, ensures that all striking members have the supports they need (e.g., accommodation as per OPSEU policy (4.6), headquarters, equipment, materials, etc.) to perform their strike duties effectively.
- › Sets up the local strike headquarters

Police relations

One of the first tasks of the strike duties subcommittee is to contact the local police.

Your staff representative will assist with these meetings. Some meetings may be organized with your area coordinating group. Keep picket co-ordinators informed of all meetings.

Many police forces have special labour disputes squads and publish basic guidelines for labour disputes that cover the legal aspects of picketing in the community. They will be interested in reducing the possibility of violence on the picket lines.

Strike duties

Strike duties may include:

- › picketing at your local worksite, picketing at another location, or secondary picketing;
- › lobbying of MPPs, local politicians, directors employer organizations, and the employer's allies;
- › outreach to service users and groups that represent them;
- › outreach to labour, community, and other potential allies;
- › mass rallies and demonstrations;
- › planning media relations work and advertising; and
- › any other activities that help end the strike with the desired result.

Local strike headquarters

The local's strike headquarters should be an information centre for members, as well as the meeting place for strike administration.

Mobile construction trailers with washrooms are ideal. Sometimes parking lots can be rented

as spaces for strike trailers. If it's close to the picket lines, it can also be a rest place for picketers.

You will also need electricity, either by wire or from a rented generator, to run the lights, coffee maker, computer, and printer. You will need access to a phone line.

You will need a photocopier and usual office supplies – paper, pens, stapler, and so on, as well as picket signs, string, a staple gun, megaphone, etc.

The strike policy spells out a list of specific items that OPSEU will reimburse. You will have to scrounge for the paper and paperclips, coffee and other essentials that fuel the strike and the strikers.

Telephones

The telephone is the single most important tool in a strike – even more so than a computer. Compile a list of useful numbers.

The mobile telephone numbers of members must be readily available. Stewards and picket captains should compile lists of members for their groups.

Keep duplicates at headquarters. One phone should be reserved for picket control only.

Set up teams to answer telephones and relay messages. Each local headquarters should maintain a phone log to keep track of calls and members' questions. Use message pads to prevent messages from going astray.

Set up an information hotline that members can call for general information. The operators of the service must have up-to-date information

from the strike committee and communications subcommittee.

Provide the media with the number of the communications subcommittee and the cell/home numbers where designated spokespersons can be reached after office hours.

Information basics for strike headquarters:

- › Membership mailing list, email list, and phone lists
- › Mailing and phone list for allies
- › Emergency contacts: police, local picket liaisons, community numbers, etc.
- › Contact list for area co-ordinating group members
- › Copies of union bulletins about bargaining, filed chronologically
- › Copies of strike training materials provided at union educationals
- › Organizer calendars to track meetings
- › Picket team lists, flying squad lists, lists for other strike duty
- › Have a record manual for tracking donations, borrowed items, and use of materials for strike activities
- › Scrap book for photos, media coverage, and stories
- › Incident Report Form
- › First aid kit

Strike headquarters checklist	Who will arrange?	When?
Space for headquarters		
Membership mailing/phone list		
Mailing/phone list for allies		
Space for production, picket signs		
Phones		
Computer/email/printer		
Phone list for media contacts		
Picket captain meetings		
Picket training		
Copier or print shop access nearby		

Additional duties for strike duties subcommittee and/or picket co-ordinator:

- › Recruit and train picket captains.
- › Develop picket schedules.
- › Assist picket captains in their role.
- › Work with the ACGs to establish flying squads.
- › Work with the communications subcommittee on special events.
- › Organize picket signs.
- › Work with the essential services committee (*OPS and LBED only*).

- › Work with essential services worksites reps and inside picket captains to maximize pressure on the employer (*OPS & LBED only*).

Picket captain duties

Picket captains report to the strike duties subcommittee. They are responsible for maintaining picket lines at the appointed picketing site. They should be respected and experienced union stewards or workplace leaders. Being appointed as a picket captain gives stewards a good opportunity to participate.

Staff representatives may stage a training session for picket captains to reinforce our responsibility to maintain a strong picket line,

maintain order, report on incidents, monitor picket attendance, and respond to questions from workers.

Enlist picket captains well in advance of the strike deadline. There should be enough picket captains for all shifts at all picket locations.

All picket lines should be established in consultation with your ACG and the local strike committees. For special picketing problems, such as remote sites or to strengthen picket lines at key sites, contact your staff representatives and your local strike committees.

To prepare for a strike, picket captains must:

1. Develop the picket strategy. Map the worksites. Map secondary picket targets. All entrances and driveways should be mapped in order to help plan picket sites. Some of this information may be garnered from members on your workplace health and safety committee.
2. Plan picket schedules and contact your picket team members long before the strike deadline. That way, all members will become aware of the strike deadline and begin preparing accordingly. If a member cannot picket they must complete **Form J (Picketing/Accommodation Information)**, and discuss accommodation options with the strike duties subcommittee.
3. Advise members about the possibility of strike action and ask them to adjust their household budgets, plan for contingencies, etc. Keep a record of any issues that should be brought to the attention of the committee.

Steps for an effective picket strategy:

1. Set up an official meeting with the appropriate police service.

Inform the police that we are interested in maintaining orderly and peaceful picket lines.

2. Establish your local's guidelines for the picket line strategy.

The objective is to maximize pressure on the employer. Picketing is part of our members' rights to freedom of expression. The picket line strategy requires an ongoing assessment of risks and locations of greatest impact. Secondary picketing involves identifying third-party workplaces that are involved in our work.

On a picket line, for example, you may delay persons for the purposes of communicating with them. This is recognized as a 10-to-15 minute wait. However, in some cases it may be longer. One of the best strategies may be to set definite times when managers will be allowed to cross the lines. Make it clear that these times must be as short as possible – no more than 10 minutes at the beginning of a shift. Inform all picket captains of the times and the rules. Sometimes people do not cross picket lines where there is something in the way: a stalled truck, a fallen tree, a barricade.

Emergency vehicles or vehicles containing valuable emergency cargo should proceed **without delay**.

3. Review your strike duties schedule and discuss who has permission to cross the line (OPS and LBED only).

Special letters signed by the strike duties subcommittee chair or picket captains, may be issued to any essential and emergency services workers who must cross the line. You can issue these letters to your members before a strike with the expectation that they

will need to produce the letter in order to cross the line.

Picket captain pre-strike checklist

- › Compile a list of all members at the worksite, with their home phone numbers and email addresses.
- › Approach all non-members to sign union cards.
- › Meet with other picket captains to set up schedules and discuss worksite logistics.
- › Set up a schedule of pickets and call each person on the picket team.
- › Identify nearby coffee shops, washrooms, and sheltered rest areas. In some cases, a rented portable toilet may be necessary. Report the need to the strike duties subcommittee.
- › If it's likely to be cold, scrounge for empty oil drums and scrap lumber for fire pits.

Picket schedules

Factors to take into account include the following:

- › Share the burden fairly.
- › Take family responsibilities into account to the extent possible. Find alternate tasks or committee work for people with mobility issues who may not be able to picket.
- › Take accommodation issues into account when assigning strike duties.
- › Use natural social groupings (people who know each other and work together) so that picket line duties will be more pleasant. It can also be an opportunity to make people from one department or work area more familiar with the concerns of workers from other areas by grouping different units together.
- › Mix more experienced and less experienced union members to ensure that individuals

who can provide leadership are always present.

- › Arrange transportation for picketers who need it.

Immediate steps if a strike or lockout is called:

- › Picket captains should meet members as they come off the job.
- › If possible, arrange a large strike meeting somewhere near the work location or in a nearby hall you've rented.
- › For the first few hours, all members should be on the picket lines as a demonstration of solidarity and strength.

Picket captain's on-strike responsibilities

- › Train pickets on the schedule, guidelines for conduct, and the need to refer reporters or any other visitors to those designated for that purpose.
- › Make sure that picket signs and food are at the right location at the right time.
- › Be a spokesperson on the line to the media and the public, or refer media to the strike headquarters.
- › Under direction of the picket captain, maintain communication with police who may be called to the lines.
- › Maintain constant communication with essential and emergency services worksite representatives about who the essential or emergency services workers are and other issues affecting the picket lines. These workers will be allowed to cross picket lines (*OPS and LBED only*).
- › Keep accurate records on who fulfills their picket duty (which is a requirement for receiving strike benefits). Picket captains must complete **Form F (Weekly Strike Duty Performance Register)**. This form

must be delivered to the chair of the local strike finance subcommittee.

- › Make sure that the picket line always includes a camera in the event you need independent evidence of incidents or employer tactics. Keep in mind that although management has the right to photograph or videotape picket line incidents, it may be an unfair labour practice for them to photograph legal, peaceful picketing.
- › Report to strike headquarters by phone or in person after every picketing shift.

Inside picket captains (OPS and LBED only)

With the legal requirement to provide essential services, an inside strategy will require the full enforcement of the essential and emergency services agreements (EESAs). The local may appoint “inside picket captains” who help deliver the inside strategy in the event of a strike.

Inside picket captains are members assigned to do essential services and are willing to help enforce the EESAs and develop the tactics of the “inside” strike. There is no limit on the number of inside picket captains a local may have. Some of these members may also be designated as union worksite representatives for the purpose of worksite essential service inspection.

Inside picket captains must work with union worksite representatives to maximize pressure on the employer through regular inspection and ongoing enforcement.

The main duties of the Inside picket captain include: (OPS and LBED only)

- › Informing and educating all members about the inside strategy, before the strike starts.
- › Educating and planning the inside strategy with the local strike committee before a strike.

- › Organizing inside picket captains as an effective enforcement strategy.
- › Building a communication system between the inside and outside picket captains. Meet before and after each shift to debrief and discuss the enforcement of the EESAs.
- › Ensuring the health and safety of members in the workplace.
- › Completing site visits throughout the entire workplace.

Strongly discourage members from doing any kind of non-essential function. If essential service workers continue to perform functions not listed in their site agreements as ordered by the *Ontario Labour Relations Board* (OLRB), the workplace will work as usual and the strike will last longer.

Find out if managers are intimidating members who are working essential services. If this is taking place, encourage all essential service workers to advise the onsite union rep and stewards immediately by phone or after their shift. Develop worksite-specific inside tactics to maximize pressure on the employer.

Refusing non-negotiated functions (OPS and LBED only)

Inside picket captains should ensure that all essential service workers are aware of their rights to refuse non-negotiated functions, and assist them in refusing to do these duties. Make sure that the union is using one voice in the enforcement of the EESAs. An essential service worker who is asked to perform a non-essential function by a manager should point to the site agreement for that work location. The agreements were ordered by the OLRB or have been agreed to by the parties. The inside picket captain should notify strike headquarters if a manager is insisting members perform functions that were not agreed to or ordered.

4. Picketing

Purpose:

- › To inform the public that there is a strike;
- › To discourage people from entering the struck premises;
- › To cut off the flow of materials in or out of the struck worksite;
- › To discourage non-essential union members from working in violation of the legal strike; (*OPS and LBED only*)
- › To inform union members who may not yet be aware of the strike;
- › To disrupt the employer's business.

Rules for pickets

By picketing, we protect our jobs, build our own unity, and send a message to management and the community. Misconduct on the picket line by a few individuals could lead to court injunctions and could damage our image in the community. The picket captain has must inform members of the picket line rules. They can enforce the following rules, and can remove anyone who does not follow them:

- › Report to the picket captain when you arrive and when you leave.
- › Be on time. If each group of pickets arrives on time, then everyone will be able to leave on time as well.
- › Do not leave your post until the next group is there to relieve you.
- › Carry or wear a sign and take turns resting.
- › Dress casual, but neat. Wear comfortable clothing and shoes, and be prepared for the weather. Do not carry anything that could be labelled as a potential weapon, like a penknife.

- › Maintain a strong picket line to discourage people from crossing, but don't obstruct public use of the sidewalk or roadway.
- › Talk to people who cross the line and try to convince them to support the strike. Think about what would convince you if you were in their shoes.
- › Refer all strangers, media, employer representatives, or police to the picket captain, even if they appear friendly. Statements made by uninformed pickets may be used against the union in court or reported in the media.
- › Report any unusual incidents to the picket captain. They will report these incidents to strike headquarters.
- › If rumours threaten to disrupt the picket line, ask the picket captain to check them out.
- › Rotate your rest periods so the line is always strong.
- › Do not enter the struck facility for any reason.
- › There will be **no drugs, alcohol, weapons, or violence** on the picket line.
- › Do not litter or lounge in front of the building.

Know your rights on the picket line

Chances are that none of you will be charged as a result of a labour dispute. However, the local strike committee must be prepared to contact their staff representative immediately should any members be arrested. The staff representative will have the emergency phone number for the area's designated lawyer to assist.

If arrested, follow seven basic rules:

1. Offer no resistance, either physical or verbal.
2. Don't make oral or written statements to the arresting officers.
3. Request that someone inform the local strike headquarters immediately. OPSEU will provide legal counsel.
4. Go along to the police station and correctly identify yourself: name, address, and phone number.
5. Refuse to answer any questions other than those regarding identity.
6. Request to see a lawyer and ask why you have been arrested.
7. Keep cool, regardless of the tactics used by police.

As a rule, a person arrested is released in a few hours after signing a "promise to appear" in court. Ideally, a lawyer should read it before you sign it. If no lawyer is available immediately, read the document carefully. It should specify the charge against you and the date of the alleged offence.

Generally, as long as pickets conduct themselves in an orderly manner, there isn't any police interference. However, managers, over-zealous police officers, or security guards may attempt to harass the pickets. Our response should be non-abusive, but firm. We have the right to legally picket the premises.

Any serious harassment by police or security guards should be reported immediately to the local strike headquarters so that police officials can be contacted. Note all names and badge numbers.

No one should be detained for more than 24 hours without a court appearance. However, it could be longer on weekends.

Remember: no oral or written statements to police. Remain calm. Ask for a lawyer.

Problems on the picket line

Disorderly conduct:

Alcohol and drugs are prohibited on picket lines. Picket captains have total authority to remove people on the line who engage in improper conduct. At the same time, complaints about picket captains should be reported to the strike duties subcommittee, investigated, and resolved quickly before morale is affected. Members should pick an alternate picket captain if for some reason their designated picket captain does not appear.

Abuse or insults:

Members should not respond to abuse or insults from anyone. Be firm in asking persons not to cross the picket line. Picket captains will determine who is allowed to cross.

Scabs:

Unauthorized OPSEU members (those not selected as essential or emergency workers) who cross picket lines are strike-breakers or scabs. Identify them (take their photo, if possible), and inform them of the seriousness of their action. Do not use physical violence to stop them. Have a very long conversation with them. Report all strike-breakers to strike headquarters. When in doubt, politely ask the names of all persons crossing the picket lines and take down the licence numbers of vehicles.

Wrongly accusing someone of being a scab could result in legal action. Speaking freely and truthfully, but not maliciously, will protect you from legal actions against verbal and written responses to scabbing.

Note: The strike duties subcommittee may plan ways to approach habitual strikebreakers.

Essential and emergency-service workers (OPS and LBED only):

Essential and emergency service workers are required to work during a strike. These workers will be allowed to cross the picket line, once they produce their letter and are identified by the union worksite representative. When in doubt, politely ask for the names of all persons crossing the picket lines.

Deliveries:

Many truck drivers are union members and will refrain from crossing the line, if asked. The local strike committee may have negotiated with police to set specific times for deliveries or crossing lines.

Repeated crossing of lines by trucks or busloads of replacement workers should be reported immediately to local strike headquarters and plans made to deal with them. Note all vehicle licence numbers and find ways to identify the reason for their entry.

Trespassing:

We have the right to picket on public property such as sidewalks, laneways, and driveways leading to public roadways. Managers, security guards, or the police may attempt to intimidate or threaten members who are on adjacent private property. Under law, only the actual property owner can lay a trespassing charge. However, the property owner may have designated an agent. Negotiating ahead of time with the property owner or agent may prove useful when attempting to set up pickets on these sites.

Picketing with a different local

Many members commute to their worksites, and it may be more convenient for them to picket with another local. Under OPSEU strike policy, members may complete strike duties and picketing outside of their home local. In order to arrange alternative location picketing, the member must first fill out the **Form J (Picketing/Accommodation Information)**. The application will be approved if the member's own strike committee approves the release and if the member finds an agreeable receiving local. The receiving local must also have a copy of the member's completed **Form B (OPSEU Members Personal Information Form)**. Once both forms are received and approved, the member will be treated as a member of the receiving local for both strike duties and strike pay. If a member cannot find a receiving local, they are expected to complete strike duties with their home local.

Secondary picketing

It may be necessary to form various flying squads to strengthen normal picket lines or carry out special pickets of companies that do business with the employer. Flying squads may be required to picket highway sites or places where our work is being done by computer hookup. This could also mean picketing a scab's home if you know that struck work is being done from that location.

5. A few last reminders

Strike deadline procedure

A strike deadline will be set by the bargaining team(s) and the Provincial Co-ordinating Group and will be communicated to locals well in advance.

Stewards and picket captains must know the precise time of the strike deadline to minimize confusion.

No OPSEU member can go on a legal strike before the official notification from OPSEU centrally.

Back-to-work protocol

After a strike or lockout, a back-to-work agreement with the employer that covers issues that may be hangovers from a strike is negotiated by the bargaining team(s). Generally, the employer agrees to drop any discipline, legal actions, or other sanctions against union members, and will cover pension, benefits, and seniority issues. Outstanding criminal charges may not be covered under the back-work-protocol and would have to be dealt with at a later court appearance.

Reasonable deadlines will be set for an orderly return to work.

What happens after the strike is over and a member isn't called back right away?

After the strike is over, any eligible members awaiting recall to work may continue to earn strike pay until they return to work, to a maximum of two weeks' strike pay.

In such a case, strike pay is dependent upon the performance of "clean-up" duties, if any, assigned by the strike committee.

Postscript

Whether or not we've been forced to strike, been locked out, or been forced back to work by legislation, those of us who fully participate in strike preparation and action have acted in solidarity with our comrades.

Whatever the outcome, we can be satisfied that we have undertaken the best defence possible of our membership and our collective agreement.

For further information about collective bargaining or how you can get involved in OPSEU strike preparation activities, contact your local executive committee or staff representative.

Form A - Application for a Strike Administration Advance

OPSEU Local _____ hereby makes application for a start-up advance of \$1,500 as provided for under Section 5.1 of the Strike Policy.

Please make this cheque payable to:

OPSEU Local _____ **STRIKE ADMINISTRATION ACCOUNT.**

And

Deposit to Bank of Montreal - Designated Bank Account

Note: Any unused or non-reconciled amount remaining from the initial \$1,500 advance must be reconciled using Form I and provided to the staff representative within 60 days after the strike end date.

Additional Information

Employer Name: _____ Date of Strike Vote: _____

Contact Information for the Strike Finance Sub-Committee Chair (Please Print)

Name: _____ Member ID: _____

Non-Employer Email Address: _____

Submitted by:

Signature of Strike Finance Sub-Committee Chair *Date*

Approved by:

Name of Staff Representative *Date*

Signature of Staff Representative *Regional Office*

**SUBMIT TO THE STAFF REPRESENTATIVE
FOR APPROVAL AND PROCESSING**

Form B - OPSEU Members' Personal Information Form (MPIF)

This form must be completed and submitted to your local finance subcommittee in order to receive strike duties pay.

Contact Information *(all fields required to receive strike pay)*

Member's Name:	Address:
Member's Union I.D.:	
Local Number:	Province: Postal Code:
Sector/Division: <input type="checkbox"/> OPS <input type="checkbox"/> BPS <input type="checkbox"/> CAAT-A <input type="checkbox"/> CAAT-S <input type="checkbox"/> LBED	Phone Number:
Employer/Ministry:	Non-Employer Email Address:

List of Dependants

	Dependant's Full Name	Date of Birth (mm/dd/yy)	Relationship to Member
1			
2			
3			
4			

As per OPSEU policy 25, dependants are defined as a non-income-earning spouse (excludes spouse on strike), children under 18 (under 26 if attending school), disabled and/or an elderly (65+) dependant

Members' Signature: _____ Date: _____
LEC Member Signature: _____ Date: _____

Authorization of the information provided above requires both the member and a LEC member to sign and date.

Direct Deposit Agreement

I hereby authorize Ontario Public Service Employees Union (OPSEU) to initiate automatic deposits of my strike pay to my account at the financial institution named on the attached cheque or direct deposit form. Further, I agree not to hold OPSEU responsible for any delay or loss of funds due to incorrect or incomplete information supplied by me or by my financial institution or due to an error on the part of my financial institution in depositing funds to my account.

Account Information

Please attach a void cheque or a direct deposit form from your financial institution that includes the following information:

- Name of Financial Institution
- Address
- Bank ID
- Transit Number
- Account Number

I will notify OPSEU (claims@opseu.org) of any changes to my banking information or email address.

Signature

I understand that I will receive strike pay by direct deposit and will be receiving an email from OPSEU about the deposit made on my behalf. OPSEU shall only use the information provided for the purpose of direct deposit. In order to be removed from any future direct deposit for expenses and advances after the strike, I will contact claims@opseu.org indicating so.

Member Signature: _____ Date: _____

Form C - Pre-Approval of Strike Items Request

Date: _____ Local: _____ Bargaining Unit: _____

Regional Office: _____ Staff Representative: _____

Requested by: _____ *(Local Strike Finance Subcommittee)*

All requests must be pre-approved by the staff representative and regional office supervisor prior to any expenditures

Item Description	Qty Requested	Rationale	Cost	Approved/not approved
(A) Generator (capacity)				
(A) Trailer (rental)				
(A) Portable Toilet (rental)				
Additional items requested				
Two-way Radios				
Shelter/Canopy				
Safety Vest/Shirt				
Extension Cord				
Chains				
Locks				
Cone/Pylon (Traffic/Safety)				
Computer/Printer				
Garbage Bin				
			Total	

*(A) = Allowable expense as per policy

Approved by: _____

Staff Representative Name
Staff Representative Signature
Date

Approved by: _____

Regional Office Supervisor Name
Regional Office Supervisor Signature
Date

Form D - Request for Additional Quarterly Rebate

OPSEU Local _____ hereby makes application for an additional quarterly rebate, as provided for under Section 5.1.3 of the Strike Policy.

Strike Date: _____ Requested by: _____

Last Trustees' Audit Report: _____

Last Rebate Amount: \$ _____ Number of Members: _____

For units of local only (where more than one bargaining unit in local):

Number of members in unit: _____ % of rebate payable to unit: \$ _____

Please make this cheque payable to: OPSEU LOCAL _____

Send cheque to: _____
(Name) (Address)

Chair, Strike Finance Subcommittee Signature of Chair Date

Local President Signature of Local President Date

SUBMIT TO THE STAFF REPRESENTATIVE FOR APPROVAL AND PROCESSING

For Internal Use Only

Name of Staff Representative Date

Signature of Staff Representative Regional Office

Amount to be paid: \$ _____ Charge to strike fund account code: _____ Date: _____

Form E - Strike Administration Expense

Fill out and submit to replenish initial start-up advance, as required.

Date: _____

Local/Unit Name: _____ Local No.: _____

Date	Description of Supplies Purchased	Amount
Total \$		

Name of Chair, Local Strike Finance Subcommittee

Signature of Chair, Local Strike Finance Subcommittee

Approved Total: \$ _____

Approved by:

 Name of Staff Representative

 Date

 Signature of Staff Representative

 Regional Office

**ATTACH ORIGINAL RECEIPTS/INVOICES AND FORWARD TO THE
 STAFF REPRESENTATIVE FOR APPROVAL AND PROCESSING**

Retain a copy for local records and completion of Form I (*Final Account of Strike Fund*)

Form I - Final Account of Strike Fund

Employer: _____

Local: _____

Strike Finance Subcommittee Chair Name: _____

Strike start date: _____ Strike end date: _____

All bills must be paid and the strike account closed no later than 60 days after the strike is finished.

1	Start-up Advance received	\$1,500
2	Expenses	
	a) Form Es submitted and reimbursed - total amount	\$ _____
	b) Expenses still outstanding - attach Form E	\$ _____
	Total administrative expenditures	\$ _____
3	Balance owing/owed <i>For any balance owing, make cheque payable to OPSEU.</i>	\$ _____

Form Es Submitted

Date Submitted	Approved Total	Date Submitted	Approved Total
Total Approved \$		Total Approved \$	

Failure to complete and forward this information within the timelines provided will result in local rebate(s) held in trust until such time as this information is received

Grand total \$: _____

Staff Representative Name

Regional Office

Date

Staff Representative Signature

Signature, Strike Finance Subcommittee Chair

Form J - Picketing / Accommodation Information

Contact Information *(all fields required to receive strike pay)*

Member's Name: _____

Address: _____

Member's Union I.D.: _____

Local Number: _____

Province: _____

Postal Code: _____

Sector/Division: OPS - Corrections OPS - Unified
 BPS CAAT-A CAAT-S LBED

Phone Number: _____

Employer/Ministry: _____

Non-Employer Email Address: _____

Accommodation

I will require accommodation to perform modified strike duties.

Alternate Location

I would like to picket at an alternative location at Local Number: _____

at (address, city) _____

To picket at another local, a member must receive authorization from their home local's strike committee, as well as authorization from the receiving local's strike committee. A completed Form B must be submitted to this local.

Home Local Number: _____

Receiving Local Number: _____

Home Local Strike Committee Member Name
(please print clearly)

Receiving Local Strike Committee Member Name
(please print clearly)

Signature

Signature

NOTE: A COPY OF THIS FORM MUST BE GIVEN TO BOTH THE HOME LOCAL AND THE RECEIVING LOCAL IN ORDER FOR THE MEMBER TO RECEIVE STRIKE PAY.

Glossary

Form A: Application for a Strike Administration Advance

The local/unit submits the completed form to the staff representative in order to receive the \$1,500 startup advance for strike administration. Any unused portion is to be reconciled using Form I.

Form B: OPSEU Members Personal Information Form (MPIF)

This form is filled out by each member in order to perform picket duty and collect strike pay and be covered for benefits. The Contact Information and Dependant Information portions of this form are to be given to a member of the LEC for signature, and the Direct Deposit Agreement section is to be completed and sent in to OPSEU using the envelope provided, attention OPS/BPS/CAAT/LBED Strike.

Direct Deposit Agreement (Form B)

This is the second portion of Form B and is signed by the member. Once completed and submitted, it authorizes OPSEU to electronically transfer funds to the member's designated bank account. Members can provide banking information by either attaching a void cheque or a direct deposit printout from their financial institution.

Form C: Pre-Approval of Strike Items Request

This form is filled out by the strike finance subcommittee indicating what items they require for the possible upcoming strike. All items must be pre-approved by the staff representative and regional office supervisor before to the expenditure.

Form D: Request for Additional Quarterly Rebate

A local/unit is entitled to one additional quarterly rebate or pro-rated portion if the unit **is on strike** and its Trustees' Audit Reports are up-to-date. The amount will be based on the last rebate cheque issued to the local.

Form E: Strike Administration Expense

The strike finance subcommittee submits this form, along with original receipts, to the staff representative whenever additional funds are required.

Form F: OPSEU Weekly Strike Duty Performance Register

This form is submitted to the strike finance subcommittee at the end of the week by each picket captain. The strike finance subcommittee enters the number of hours picketed for each member in the strike database.

Form G: OPSEU Strike Duty Performance Record

This form is submitted weekly by the strike finance subcommittee using the file share link provided by OPSEU to ensure that members receive strike pay.

Form H: Reimbursement For Strike Items Returned to OPSEU

This form is for locals who want reimbursement for **eligible** items that the local has purchased for the strike and that are returned to OPSEU for future use.

Form I: Final Account of Strike Fund

This form, along with any remaining funds from the advance, is submitted to the staff representative within 60 days of the end of the strike. It documents all moneys received and spent.

Form J: Picketing/Accommodation Information Form

This form is completed by members who would like to picket at another location or who require an accommodation. It is authorized by the home local (basically releasing the member) and then by the new local (accepting that this member will now be performing picket duties at this local's picket locations).

Information steward

The Information Steward is a member who volunteers to perform certain tasks in the unit/local, such as gathering information from members, distributing leaflets, co-ordinating part of a phone tree, etc., but who is unwilling to be a steward who also processes grievances.

LEC – local executive committee

The LEC includes the local's president, vice-president, secretary, treasurer, chief steward and unit stewards.

Picket captain

A picket captain is an active member(s) assigned to provide on-the-ground leadership and administrative support for members performing strike duties.

