



Policy: *Job Action Policy*
Date of Implementation: *July 2015*

1. Intent

This policy is intended to provide clear information and guidance to members of the UNBC-FA and its Executive Committee regarding job action during the collective bargaining process.

2. Preamble

Job action can take many forms, such as a slowdown, withdrawal of selected services as well as strike action. Regardless of the form it takes, the goal of job action is to further progress toward a collective agreement acceptable to the employees in question.

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

The BC Labour Relations Code sets out the conditions that must be satisfied before a strike can begin. The union and employer must have engaged in collective bargaining; a vote must have been held to establish that the majority of employees favour a strike; strike notice of 72 hours must have been given to the employer and the Labour Board; and a mediation officer's appointment (if one has been appointed) must have come to an end at least 48 hours before the strike begins.

3. Services to be withheld during a strike

Unless otherwise advised (i.e. in cases of partial job action), UNBC-FA Members will cease to perform all work considered part of their normal duties and responsibilities at UNBC. While this is undoubtedly difficult for Members, it is critical that all Members withdraw services to ensure the effectiveness of job action and the fastest possible conclusion of a collective agreement. Therefore, Members are expected to withdraw services in all domains of work, including teaching, advising, mentoring, and supervising undergraduate and graduate students; research, scholarship, and creative activities; and professional practice, activities, and service.

Examples of services to be withheld include, but are not limited to:

- Graduate and undergraduate teaching at all campuses and via all modes of delivery (holding classes off-campus or asking graduate students to teach are considered strike-breaking);
- Clinical supervision and teaching;
- Routine advising of students;
- Teaching-related or professional consultation with students by telephone, email, or via other modes of communication;
- Supervision and assessment of graduate proposals, theses, and projects;
- Supervision of student internships or practica;
- All duties performed by Librarian Members;
- Clinical work performed as part of UNBC employment;
- Participation in all UNBC committees;
- Participation in non-UNBC committees where the Member is representing UNBC;
- All research or scholarly activities (other than required animal care and specifically exempted duties relating to sensitive experiments, as governed by the Memorandum of Agreement on Essential Services and Goodwill Arrangements) ;
- Attendance at scholarly conferences (but see item 4 below); and
- Maintenance of electronic systems used for teaching or other University functions

Questions about whether certain activities will be permitted should be directed to the UNBC-FA Strike Adjudication Committee.

4. Attendance at scholarly conferences

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

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

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

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

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

With regard to internal deadlines, the Association will negotiate an extension to such deadlines as part of its goodwill arrangement with the Employer.

With regard to external deadlines for which applications are channeled through the University Research office, extension of deadlines will be negotiated by the Association as part of its goodwill arrangement with the Employer. However, the Administration is powerless to alter fixed external deadlines.

6. Members traveling at time of job action

The Association will negotiate the status of such Members as part of its goodwill agreement with the Employer.

7. Access to campus during strike action

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

- the provision of animal and plant care in accordance with the Memorandum of Agreement on Essential Services and Goodwill Arrangements; and
- any other exemption granted under the Memorandum or by the Joint Adjudication Committee.

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

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

Members who cross the picket line, even when active lines are not present (e.g. on a weekend) are not covered by University liability insurance and could be considered for criminal trespass by the Employer.

8. Access to email and electronic files

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

9. Strike pay and picket duty

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

When a strike vote is scheduled, the UNBC-FA Treasurer and Defence Fund Trustee will notify the Defence Fund of potential job action and request for benefits.

The Defence Fund covers strike pay from the fourth day of a strike onward. Prior to this, the UNBC-FA will provide bridging funding. Strike pay will therefore be as follows:

Days 1—3: \$44/day, tax-free

Days 4 on: \$88/day, tax-free

Strike pay is paid 7 days per week.

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

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

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

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

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

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

Members who are part-time instructors and have work commitments outside of their UNBC position may not have the flexibility to complete 20 hours of strike duties per week. Part-time instructors will be given the option of completing 10 hours of strike duties per week and will be compensated at one-half the normal strike pay rate. It is the responsibility of the part-time instructor to make application to the Strike Adjudication Committee for a reduced strike schedule.

10. Picketing

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

- picketers have the right to picket, to inform the public, and to attempt to dissuade people from crossing a picket line;
- the public has the right to cross the picket line, as do UNBC-FA Members;
- picketers do not have the right to trespass on private property;
- no one may intimidate picketers, nor may picketers intimidate anyone;
- picketers must never engage in violent behavior; and
- picketers must not engage in any activity that undermines the purpose of the strike.

Picketers are expected to treat those who cross the picket line with respect and to refrain from attempts to obstruct.

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

11. Members on sabbatical/professional leave

The Association and Employer will negotiate the status of sabbaticants and members on professional leave.

During any strike in which they are judged to be excluded from job action, sabbaticants and members on professional leave who require access to campus should request the approval of the Joint Adjudication Committee, detailing the reasons that they require access. The committee will notify the UNBC-FA Strike Adjudication Committee, which will issue passes to approved sabbaticants/members on professional leave for specific purposes. Sabbaticants/members on professional leave excluded from job action are to engage only in scholarly activities and must refrain from all teaching, service, and student advising/supervision.

Sabbaticant/members on professional leave will not receive strike pay whilst excluded from job action and drawing regular pay. However, if a sabbaticant/member on professional leave notifies the Employer that s/he wishes to participate in strike action and the Employer withholds his/her pay and benefits, the sabbaticant/member on professional leave will become eligible for strike pay under the conditions detailed above in (9).

12. Members on medical, maternity, parental, long-term disability, or assisted study leaves

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

13. Members on vacation leave

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

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

14. Members employed at UNBC in another capacity

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

15. Letters to verify strike or lockout

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

16. Lockout

Under BC law, an employer may lock out its employees by giving 72-hour notice. Lockout is rare at universities, but has occurred in several cases over the past few years.

If lockout happens, Members will be prevented from accessing campus and may be denied access to their email and computer accounts.

In case of lockout, the ordinary strike provisions will apply. The UNBC-FA will attempt to negotiate goodwill arrangements in cases of lockout.

17. Solidarity

Upon announcement of job action, the UNBC-FA President will post a CAUT-gen message seeking expressions of solidarity from CAUT member unions and associations. The President will also notify CUPE, the Prince George Labour Council, and the CAUT Defence Fund, from which the President will request flying pickets.

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

The UNBC-FA will support job action at other universities with letters of solidarity and donations.

The UNBC-FA will respect the picket lines of other unions and demonstrate solidarity as appropriate.

18. Staff of the UNBC-FA

The UNBC-FA Executive Director and any other Association staff will be expected to work normal hours during any job action by the Membership. Staff duties will be shifted toward support of the strike.

19. Committees relating to the implementation of this policy

When a strike vote is taken, the UNBC-FA will ask the Employer to help create the **Joint Adjudication Committee**, comprising two members, one appointed by the Union and one appointed by the Employer.

The UNBC-FA will also form a three -person **Strike Adjudication Committee**, which will adjudicate (a) queries regarding the withholding of services and (b) other matters as appropriate.

Appeals of the decision(s) of the UNBC-FA strike committees must be made in writing to the UNBC FA Executive Committee, and its decisions on the appeal will be considered final.

20. Strike Headquarters and Communication

The UNBC-FA will establish the location of a strike headquarters to support Members during a strike. Strike headquarters will be open to all Members during normal picket schedule hours. Basic essential services, coordination of transportation, and wireless internet services to support communications will be provided through strike headquarters. It is essential that members be educated on what it means to be part of a union generally, and what job action means and the expectations surrounding job action are in particular. Therefore, an educational component of communications with the Membership is necessary both during the period prior to and following any job action. Such communications should be coordinated between the FA Executive and the relevant job action subcommittees.