

**TEAM-IFPTE LOCAL 161**  
**STRIKE/LOCKOUT MANUAL**

## CONTENTS

|   |   |
|---|---|
| Background .....                          | 2 |
| Conciliation.....                         | 2 |
| Strikes and Lockouts .....                | 3 |
| Income During a Strike or Lockout .....   | 4 |
| Our Work During a Strike or Lockout ..... | 5 |
| Benefits and Pensions .....               | 6 |
| Vacation and Other Leave.....             | 7 |

# **TEAM-IFPTE LOCAL 161**

## **TEAM STRIKE/LOCKOUT MANUAL**

### **BACKGROUND**

#### **How we got here:**

- December 3, 2012 MTS serves Notice to Bargain.
- January 18, 2013 negotiations begin.
- April 8<sup>th</sup> MTS declares impasse and requests help of Federal Conciliator.
- April 18<sup>th</sup> MTS issues Notice of Termination of the Collective Agreement and reserves right to lockout employees.

We have met with MTS approximately 20 days.

### **CONCILIATION**

#### **What happens in Conciliation?**

The conciliation officer, who is appointed by the Minister of Labour, meets with both parties to help them reach an agreement. The conciliation process lasts a maximum of 60 days, unless the parties agree to extend it.

#### **What happens if conciliation fails?**

The Minister of Labour could appoint a mediator to help achieve a collective agreement and avoid a work stoppage or both parties may agree, in writing, to refer any outstanding issues to an arbitrator for binding determination. This step suspends the right to strike or lockout. If the parties cannot agree on an arbitrator, they can jointly ask the Minister of Labour to appoint someone to fill this role.

#### **If the Minister of Labour does not intervene and the parties don't agree to binding arbitration what happens if conciliation fails?**

The parties acquire the right to strike or lockout 21 days after the conciliation process has been completed. A party intending to take strike or lockout action must give the other side and the Minister of Labour at least 72 hours advance notice.

## **STRIKES AND LOCKOUTS**

### **What is a lockout?**

Under Section 3(1) of the Canada Labour Code “lockout” includes the closing of a place of employment, a suspension of work by an employer or a refusal by an employer to continue to employ a number of their employees, done to compel their employees, or to aid another employer to compel that other employer’s employees, to agree to terms or conditions of employment.

### **When can we be locked out?**

Any time after July 15<sup>th</sup>.

### **What is a strike?**

Under Section 3(1) of the Canada Labour Code “strike” includes a cessation of work or a refusal to work or to continue to work by employees, in combination, in concert or in accordance with a common understanding, and a slowdown of work or other concerted activity on the part of employees in relation to their work that is designed to restrict or limit output.

Strike actions include the concerted taking of normal breaks, not taking work home, working the regular work day and avoiding unpaid time.

Strike actions can be for a limited duration, such as one or two day strikes, selective or component strikes where only certain key groups remove their labour or rotating, where groups take job action in rotation.

### **When can we strike?**

Any time after July 15<sup>th</sup>.

### **Will there be a strike vote?**

Yes, Section 87.3(1) of the Canada Labour Code states “a union may not declare or authorize a strike unless it has, within the previous sixty days, or any longer period that may be agreed to in writing by the trade union and the employer, held a secret ballot vote among the employees in the unit and received the approval of the majority of the employees who voted.”

### **Who can vote for a strike?**

Any person in TEAM’s jurisdiction can vote.

**Does the Company have to negotiate with us during a strike/lockout if the Collective Agreement has been terminated?**

Yes, the obligation to negotiate in good faith continues.

**Do I have to picket?**

Legally, you are not required to picket however you can only collect strike/lockout pay if you perform picket or other strike related duties

**If I have a moral objection to a strike/lockout and will not picket, do I get strike pay?**

Strike duties must be performed in order to receive strike/lockout pay.

**How will TEAM communicate with members in the case of a lockout or strike?**

TEAM will provide information and updates using the home email addresses that members have provided, notices in the office, any satellite offices set up, through the CARs and designated individuals on each picket line. We will also post regular updates on our website, Facebook and Twitter.

**What happens when it's over?**

Usually any agreement that is bargained after a strike/lockout has commenced includes a return to work protocol that facilitates a quick and orderly return to the workplace and resolves any disputes related to the strike/lockout.

**INCOME DURING A STRIKE OR LOCKOUT**

**How much is TEAM's strike/lockout pay?**

\$300 per week. Strike pay is deduction free and is not reported on your T4.

**How many hours per week am I required to picket or perform other strike/lockout related duties to receive strike/lockout pay?**

20 hours per week.

**Am I eligible for Employment Insurance (EI) during a strike or lockout?**

No, you cannot receive EI if you are a member of a bargaining unit that has been locked out or called a strike.

**If I have another job do I get to keep my strike/lockout pay?**

Yes, provided you have picketed or performed other strike related duties.

**Will TEAM help if I am having difficulty?**

A hardship fund is available for the good and welfare of members.

**Will TEAM notify the banks and credit unions of a strike/lockout?**

Yes, however it is the responsibility of each member to contact their creditors and make payment arrangements. Sample letters to creditors will be available if required.

**OUR WORK DURING A STRIKE OR LOCKOUT**

**Will CEP and IBEW members acting in TEAM's jurisdiction be returned to their home positions prior to strike/lockout?**

CEP and IBEW members will be returned to their home positions prior to a strike/lockout.

**Will the CEP and IBEW actors be returned to their acting positions after strike/lockout ends?**

At the conclusion of a strike/lockout the Company will reassess the ongoing requirement for the acting assignments.

**Can IBEW or CEP employees be forced to do our work?**

No they can't. Further, Section 94.3(c) of the Canada Labour Code states that "no employer shall: suspend, discharge or impose any financial or other penalty on an employee, or take any other disciplinary action against an employee, by reason of their refusal to perform all or some of the duties and responsibilities of another employee who is participating in a strike or subject to a lockout that is not prohibited by this Part".

IBEW and CEP will discourage their members from volunteering to perform any of our duties.

**What about 911 services?**

An essential services agreement has already been negotiated and is in effect. Three employees in TEAM's jurisdiction have been deemed essential to provide the public with uninterrupted 911 service and they will have TEAM's full support to cross any picket line.

**During a strike/lockout can the Company hire new employees and do they ever have to take us back?**

Yes they can hire new employees however MTS is obliged to bring back TEAM members when the new Collective Agreement is settled, otherwise the employees who are not hired back have been terminated without cause.

**BENEFITS AND PENSIONS**

**What premiums will MTS pay during a strike/lockout?**

MTS will cease paying its portion of all benefit premiums during a strike/lockout. To ensure continued benefit and insurance coverage for any locked out or striking employee TEAM will pay the employer and employee portions of the benefit premiums. This applies to the following plans:

- Blue Cross
- Dental
- Group Life Insurance
- Dependent Life Insurance
- Basic Accident Insurance
- Voluntary Accident Insurance

**What is the effect of strike/lockout on those who claim a benefit (e.g. dental claim) during strike/lockout?**

As TEAM will cover the premium costs of the above benefit plans, claims will be processed in the normal way.

**Will those retiring during strike/lockout be affected?**

Employees will be allowed to retire during a strike/lockout however their pension will be impacted to the extent that they did not earn credited service or have earnings for the period of the strike/lockout up to their retirement date as pension benefits cease to accrue for striking/locked out employees upon the date that a strike/lockout commences.

**Will a strike/lockout affect my Pension?**

Pension earned prior to a strike/lockout is protected, however plan member pensions will be impacted to the extent that they did not earn credited service or have earnings during the period of the strike/lockout.

**Will employees be able to pay missed pension plan contributions?**

No, however TEAM would make every effort to negotiate the ability to buy back pension as part of a return to work protocol. This applies to both the Defined Benefit and Defined Contribution pension plans.

**VACATION AND OTHER LEAVE**

**What happens if I am on vacation?**

Members who are on vacation at the time of a strike/lockout or who are scheduled to commence vacation on or after the date of a strike/lockout, will have their vacation cancelled as of the date of a strike/lockout and will not receive vacation pay. Vacation credits will not accrue during the period of a strike/lockout.

**Will those on sick leave receive sick leave pay?**

Employees who are on paid sick leave at the time of a strike/lockout will continue to receive paid sick credits (if available), subject to supporting medical documentation throughout the period of the strike/lockout.

Employees who become sick on or after the date that a strike/lockout commences will not be eligible for paid sick leave. Sick credits will not accrue during the period of a strike/lockout.

**Will those on Long Term Disability (LTD) continue to be paid?**

Employees affected by a strike/lockout who are on LTD at the time of a strike/lockout will continue to receive LTD benefits, subject to supporting medical documentation and assessment by Great West Life.

**Will those on sick leave who meet the criteria during strike/lockout be eligible for LTD?**

Employees who are pending LTD benefits at the time of a strike/lockout will be eligible for benefits throughout the strike/lockout period, subject to supporting medical documentation and assessment by Great West Life.

Employees on sick leave at the time of a strike/lockout who would qualify for LTD benefits during a strike/lockout will not be eligible for benefits during the strike/lockout.



**Will top-up continue for those receiving Maternity/Adoption Leave or who go on leave during a strike/lockout?**

Employees affected by a strike/lockout who are receiving paid maternity or adoption leave benefits at the time of a strike/lockout or who are scheduled to commence paid maternity/adoption leave during a strike/lockout will receive supplemental pay, subject to the receipt of Employment Insurance benefits during the strike/lockout.

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