

Job Action Manual

Professional Employees Association



A union of professionals making a difference in BC

Important Contact Information

Online

All strike related resources and information available online at pea.org/strike

Toll Free

Contact the PEA Toll Free at 1-800-779-7736 to connect with any staff members

Our Mission

The Professional Employees Association is a union of professionals dedicated to fair and equitable working conditions for its members.

We do this through collective bargaining and advocacy, member engagement and education, and promotion of the value of professionals.

We believe in integrity, in respectful relationships, and in enlightened, innovative principles of labour relations.

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Introduction

The PEA Job Action Manual is provided to allow for proper planning and implementation of job action at PEA worksites.

Overview

Strikes and other job actions are a last resort when attempting to achieve fair settlements for PEA members. The PEA negotiates on the basis of objective data and applies convincing arguments that appeal to the employer's reason to reach a settlement.

This approach has its limits though and most often fair settlements depend on the collective strength and determination of its members.

Job action is never the preferred situation, but there are times when PEA members have taken job action to assert fairness and respect for the value of our work. PEA chapters have taken job action only when withdrawing service is the only power left to achieve our bargaining goals.

Bargaining Strategies

Bargaining strategies can take various forms, from campaigns designed to highlight the key issues, to a full withdrawal of service. Strategies change and evolve depending on the progress we are making at the bargaining table.

Campaigns are a particularly important tool in achieving our bargaining goals. Campaigns help to: build solidarity among the membership, create public awareness about key bargaining issues and put pressure on the employer.

Most campaigns are initiated by the PEA office and may include the following elements:

- Advertising
- A letter writing campaign to MLAs
- Media activity
- Stickers, buttons, etc.

Some campaigns are initiated locally and are specifically designed to motivate the local membership and highlight their issues. This kind of campaign may include the following:

- A newsletter
- Chapter meetings
- Posters
- Solidarity actions (e.g. all members wearing the same colour on the same day)
- Letter writing, media interviews and lobbying

Feel free to contact the PEA office for advice and support about campaigns.

Job Action

What is Job Action?

The PEA will conduct a strike vote prior to the start of any job action. A strong, positive vote (e.g. 85 to 100% support) by the membership is crucial to demonstrate to an employer members' commitment to PEA bargaining proposals.

Job action can take many forms. It could start with the refusal to perform specific duties and escalate to an all-out withdrawal of all services (excluding those deemed essential).

Partial Withdrawal of Service / Work to Rule

Refusal of duties can exert considerable pressure on management if there is broad support from the membership and in combination with other unions. An example of this type of job action would be a refusal to do any duties that are not specifically part of your job description (i.e. clerical duties). A ban on overtime can also be effective. One of the advantages of this strategy is that members continue to receive full salary, while placing considerable pressure on the employer. If these strategies go on for too long, they can lose their effectiveness.

Intermittent Withdrawal of Services / Rotating Job Action

In this type of job action, members withdraw their services for short periods of time. The main advantage of this strategy is that it is very difficult for the employer to plan effectively for it. This tactic creates confusion for the employer. This strategy has the potential to be confusing for the membership unless it is planned, communicated and executed effectively. This approach also minimizes financial loss to PEA members and other unions' members, yet puts effective pressure on the employer.

An example of rotating job action is to withdraw services in one department one day, and then withdraw services in a different department the next day (while the first department goes back to work).

Targeted Job Action

Targeted job action involves the withdrawal of service at specific work sites.

Escalating Job Action

Escalating job action starts in one worksite, branch, department or ministry and escalates as additional sites are added over time. One of the major disadvantages to this tactic is that members employed at the worksite that starts the job action will be participating for a longer period than other members.

Full Scale Strike

Full scale strike is a complete withdrawal of services at all the worksites that members work at and all members remain off the job until the PEA notifies the members that the strike is officially over.

Other Union's Job Action and Picket Lines

When another union has put up picket lines around our members' worksites, the members should immediately contact the PEA. Affected members are encouraged to not cross the picket lines unless directed otherwise by the PEA. Strike pay will be made available to any members affected by other unions picket lines pending support from the PEA Executive.

The PEA encourages members to support both PEA and other unions' picket lines. Crossing picket lines impacts the potential effect of job action for a union and can lead to long term relationship issues in the workplace between members of the same union and other unions.

Lockout

This is the only type of job action initiated by the employer. In this scenario, the employer prevents the members from working and receiving any pay, except for essential services. This tactic is usually not supported by the public. In the event of a lockout, the union is still obligated to provide essential services.

The Collective Bargaining/Job Action Process

The Collective Bargaining and Job Action process is always different; however, the following is a rough outline of the steps involved. The following provides a chronological and contextual demonstration of how strikes can work and is not meant to suggest that strikes or other job actions are an inevitable result of bargaining. It is also not meant to suggest that this is always sequential. Members looking for more information on the collective bargaining process should review the *Collective Bargaining Guide* available online at pea.org/collectivebargaining.

Collective Bargaining Takes Place

The parties (the Union and Employer Bargaining Committees) arrange for bargaining dates and discuss proposals.

The Parties Reach Impasse

Sometimes after thorough and repeated discussion of the proposals, the parties are unable to come to agreement on some key issues. One party may inform the other that it believes the parties have reached impasse and they will be going to their principals (PEA members in the chapter, in the case of the Union) for direction.

The Union Decides to Take a Strike Vote

The Bargaining Committee meets with the chapter executive and advises them of its intent to meet with the members and take a strike vote if there appears to be support. PEA staff will inform the PEA Executive that membership meetings will take place that may result in a strike vote. The PEA Executive makes decisions regarding strike pay. A strike vote has an expiry date of three months, after which time another vote must be taken. (see The Strike Vote section)

The Local Strike Committees are Chosen

Each jurisdiction (region) chooses a Strike Committee consisting of a Chair, Picket Captain(s) and Coordinator (see the Conducting Job Action section). The PEA office holds conference call meetings with Local Strike Committees to provide information on how to plan and run a strike. Printed information such as the strike pay guidelines, strike procedures, strike pay policy and forms needed for strike pay, are sent to the Local Strike Committee and explained in information meetings.

Information is shared between PEA office and Local Strike Committee regarding relevant information about the members in their jurisdiction (who they are, where they work) and the worksites locations and layouts.

The Parties attempt to Bargain Again

After taking a strike vote the parties return to the table to bargain. If they are successful they sign a Memorandum of Settlement. If not, then either side may request mediation and initiate a strike aversion (public relations or media) campaign.

The Parties Call for Mediation

Either party can request a mediator, if both sides agree then the mediator comes to a mutually acceptable site to attempt a mediation of the outstanding items. If the mediation is not successful either party may request the mediator to book out. No strike can begin within 48 hours of the mediator booking out.

Essential service negotiations will likely happen at or shortly after this stage. Members who are designated essential service will be identified and Local Strike Committees will be notified. For most PEA Chapters, very few members will be designated as essential services.

The Mediator Books Out

The Bargaining Committee meet with staff and discuss next steps, including strike aversion (public relations or media) campaign. The PEA Executive may approve funding for strike aversion campaigns. PEA staff briefs the PEA Executive in detail of the situation and of any plans to give strike notice.

The Union Starts Planning a Strike

Local Strike Committees start meeting and planning the logistics of a strike. The committee addresses the infrastructure of picket line support. They will plan out how all the worksites are going to be covered by pickets. Local volunteers will be sought to phone members informing them that strike notice will be sent. The PEA Labour Relations Officer will assist the committees in any needed area.

The Union Gives 72 hour Strike Notice to the Labour Relations Board and the Employer

The PEA issues 72 hour strike notice to the Labour Relations Board and the Employer. The Local Strike Committees will already have been notified so they can be prepared to put into action the various aspects of the strike plan. They will prepare picket signs with the appropriate slogans and ensure that picketers are assigned to the appropriate site and the picketer's walking route is established so that the all entrances and exits are covered. Picketers are issued a set of guidelines for picketer's behaviour (see information for picketers).

The phone tree will start phoning the members and assign them picket duties. Members who declare that they are unable to do picket duty, and the reason is deemed to be valid, will be assigned other duties in support of the strike.

Members who have had their positions deemed an essential service will be phoned and given direction to attend work under the condition laid out in the essential services protocol.

The Union Puts Picketers on Worksites

Picketers will be directed to the worksite where they will picket. Materials will be provided to them.

Picketers show up at the assigned worksite at the appropriate time and walk the assigned route. A Picket Captain will either be present at the start or show up shortly and confirm that they are in the right place and performing the correct functions. The Picket Captains or designate will assign the picketer's break times and provide refreshments.

The Picket Captain will visit the worksites each day to establish that the picket duty has been performed and have the picketer initial the Picket Captain's Report.

Any media questions will be directed to the PEA Communications Officer.

The Parties Return to Mediation

If the PEA returns to mediation with the Employer, strike activities continue until the PEA Bargaining Committee and the PEA staff announce that the strike is over. A ratification vote will happen either before or after the strike has ended. If the ratification vote is not successful, the strike may continue.

The Strike Ends

The PEA office will announce when the strike is over and communicate this directly to the members. Members will then be directed to return to work. Members should not expect any changes in the way they are treated at the worksite after a strike; if this happens they should contact the PEA office and speak with their Labour Relations Officer.

The Strike Vote

Before a strike can take place, collective bargaining must have taken place. A strike vote is pursued only where an acceptable settlement cannot be reached. Strike votes may be sought prior to mediation. A secret ballot strike vote is required under the law (the Labour Relations Code) and all PEA members in good standing (except those with religious objections under the Labour Relations Code) are entitled to vote.

There will be meetings regarding strike vote and members will be invited to ask questions as the PEA presents its case. The actual voting will take place by secret ballot.

The PEA will appoint a Returning Officer, normally the Labour Relations Officer, and scrutineers to administer and review the vote.

Returning Officer Duties

- Set the form of ballot and ensure that it poses the following question: Are you in favour of a strike: Yes No
- Prepare a voter's list
- Resolve questions concerning eligibility of voters
- Ensure that the vote is conducted by secret ballot and that there is compliance with the Labour Relations Code
- Appoint scrutineers

Scrutineers

- Be present when ballots are counted
- Help resolve questions concerning eligibility of voters
- Address any discrepancies that may arise with ballots

Conducting Job Action

An effective strike is a well-planned strike. There is a role for every member and committee to play in a strike.

Roles & Duties

PEA Executive - makes decisions on strike pay based on the Strike Pay Policy.

Chapter Executive - makes strategic decisions on whether a strike is needed, how to support a strike and the creation of a Chapter Strike Committee. Stands by during the strike to make decisions such as the continuation or termination of the strike.

Bargaining Committee - the Bargaining Committee is focussed on bargaining during the strike. Their role is to try to get a settlement. Their role in the strike itself is limited as they are required to be available at any time to resume bargaining to achieve a settlement.

Chapter Strike Committee - works in coordination with PEA staff to provide direction on the way the strike will be run and to ensure the strike works smoothly. They also help to ensure that there are functioning Local Strike Committees.

PEA Staff - works with chapter Bargaining Committee, PEA Executive, Chapter Strike Committee and Local Strike Committees to ensure that the strike runs smoothly and members receive strike pay. Manages communications between various committees, media and members. Staff will be available to get back to the bargaining table at any time to achieve a settlement.

Local Strike Committee - works with members to ensure that picketing at the local level happens smoothly and efficiently. Each chapter jurisdiction will elect a strike committee consisting of a strike committee chairperson, Picket Captains and coordinator. The Local Strike Committee will be accountable to the Chapter Strike Committee and ultimately, the Bargaining Committee.

Local Strike Committee duties:

1. Decide where picket lines will be set up.
2. Recruit and provide information to Picket Captains.
3. Determine the hours of picketing and the number of pickets required.
4. Determine which employer worksites will be picketed based on the logistical information they have gathered (worksite locations and the number of members working there).
5. Phone all members before a strike to inform them of the time a strike will start and where they will be picketing.
6. Organize the preparation of picket signs and slogans.

7. Set up communications systems - with members, other Unions, and the PEA Labour Relations Officer.
8. Answer questions from members i.e. about the strike pay policy, or about the requirement to picket or other aspects of the strike.

Local Strike Committee Chair duties:

1. Front line between the Chapter Strike Committee, the PEA Labour Relations Officer and local members. Liaise with the PEA.
2. Help the Picket Captain organize effective picketing, be a floating picketer, answer questions from members.
3. Help resolve issues.
4. Call meetings where directed by the PEA to address changes in the status of the strike or issues that have arisen from the strike action.

Picket Captains duties:

1. Work with the Local Strike Committee to draw up a plan to ensure sufficient pickets to cover various worksites.
2. Visit the picketed worksites to ensure that there are sufficient pickets at each site during all working hours.
3. Organize picketers on the line.
4. Complete the Picket Captain's Report (see Forms section). Send in Picket Captain's report to PEA office at end of each week.
5. Report picket incidences to Local Strike Committee and the PEA Labour Relations Officer i.e. the arrival of reporters, police, any disturbance on the picket line.
6. Ensure all necessary materials are at the picket line sites including daily reports, picket signs, water, toilet facilities, etc.
7. Monitor the conduct of the picket lines.
8. Act as primary liaison with picketers ensuring effective communication in regard to picketing and the strike.

Local Strike Committee Coordinator duties:

1. Liaise with the PEA.

2. Help the Picket Captain organize effective picketing.
3. Be a floating picketer.
4. Answer questions from members.
5. Help resolve issues.
6. Directs local media to the PEA Communications Officer.
7. Liase with the PEA office for additional strike materials.
8. Organize the phone tree for phoning members about the impending strike and where and when they will be expected for picket duty.

Logistics

Picket packages containing placards, string, markers, banners, flags and other appropriate materials will be sent to representatives of the Local Strike Committees. The Local Strike Committees fill out the appropriate messages on the placards depending on the situation.

Local committees will purchase any other items such as coffee or food snacks (muffins, donuts) and send in the receipts for re-imbursement on a PEA expense claim form available from the website.

Picket Captains should track their mileage and submit to the PEA using the members' expense claim form. Any additional expenses incurred as a result of your position (cell phone usage, etc) can be submitted to the PEA for reimbursement.

Calls to the PEA office can be made Toll Free 1-800-779-7736

Information for Picketers

There are many legal requirements concerning picket line participation. Incidents may lead to a court injunction. The Local Strike Committee should see that the following information is understood by all picketers:

A picket line has a two-fold purpose:

1. To convey the information to the general public that a strike is in progress
2. To effectively curtail and bring a halt to the business of the employer.

In order to fulfill these purposes, it is important that all members be thoroughly familiar with the following instructions:

1. Nothing is to be consumed that will impair your ability to effectively carry out your picket line duties.
2. Report to your Picket Captain prior to the start and at the completion of your picket duty. Ensure you sign in each day on the Picket Captain's Report.

3. Picket signs are to be worn or carried while on duty.
4. Members must patrol the assigned area and refrain from loitering.
5. Any person attempting to cross the picket line must be informed of the strike and politely requested to respect the picket line.
6. Picketers are not to engage in an argument or debate concerning the strike. Problems should be referred to the Strike Committee Chairperson, Picket Captain or Labour Relations Officer.
7. Should a person insist on crossing the picket line, do not restrain them but do try to secure their name and address, firm represented and license number of the vehicle. This information must be given to the Picket Captain.
8. Do not obstruct the general public from using the sidewalks or roadways in front of the picket line.
9. Conversation with the general public should be as courteous as possible. Focus on only two or three issues, too many issues discussed at one time limits effectiveness.
10. If approached by the media, **do not speak to them**, refer them to the Picket Captain and the PEA Communications Officer.

Any questions are referred to your Picket Captain.

Picket Line Duty Expectations

In the event of a strike or lockout members are expected to perform picket line duties for twenty (20) hours per week or four (4) hours for each day that the member would have otherwise have been at work had the strike or lockout not occurred. This means that there is an expectation that members will participate in the work of the strike by being on the picket lines or if that is not possible because of good reasons (e.g. medical issues), then they will be expected to perform other duties as assigned by the Local Strike Committee or Picket Captain (e.g. phoning members).

Members refusing picket line, or other duties are not eligible for strike pay.

Strike Pay Guidelines

1. Strike Pay under optimal circumstances (where it is anticipated there will be adequate funds and the other conditions are optimal) will be \$125 per day. Where those conditions are not optimal it may be less. The amount will be decided before the strike and monitored during the strike for any additional changes. Strike pay is tax free.
2. The strike pay of \$125 per day includes Health and Welfare premiums that would have normally been paid fully by the employer or in combination with the employee. The PEA will make inquiries of the Employer before a strike to discover the amount of the monthly premium and then the PEA pro-rates this amount to a daily rate and deducts this amount from the \$125 per day. For example if the monthly premium is \$300 per month, the daily rate would be \$15 per day (20 work days per month) and the strike pay would be \$110 per day.
3. In order to receive strike pay, each member is required to sign a personal declaration of income lost. This will be done on a form provided by the PEA and available on the PEA website. In the case of a PEA strike the Picket Captain will record on a daily basis that each member fulfilled the strike duties required and have the member initial it.
4. It is also required that the member is in good standing. This means that they have signed a PEA membership application form and are paying dues.
5. In the case of another union's picket line this will be a form that the member downloads and signs and faxes, emails or mails to the PEA office.
6. Pay will be provided on the same basis as strike pay in the event of employer lockout.
7. The PEA will endeavour to process strike pay within two weeks of receiving the strike pay forms and pay strike pay on a biweekly basis. This means that the Picket Captains will have the Picket Captain Report filled out and sent by fax or email to the PEA Office on Friday of each week. The PEA then processes the forms, calculates the amount owing to each member and sends strike pay cheques to individual members home addresses that members have provided.
8. Members are responsible for providing the PEA office with their current home addresses and telephone numbers. Members can update this information online at pea.org/user.
9. Strike pay will not exceed the amount of pay a member would otherwise have earned. In other words, if the strike pay amount approved by the PEA Executive is greater than the amount of their normal take home pay, then the member's strike pay would be adjusted to be no more than their normal take home pay.
10. Members who work less than five (5) days per week shall receive strike pay only for the total number of days per week they would have otherwise been at work.
11. Members have the right to appeal to the PEA Executive regarding their strike pay eligibility. If members feel they have not had the correct number of strike participation hours recorded

or they believe the calculation of their strike pay was incorrect they can notify the PEA Staff that they wish this to be looked into and if not satisfied, they can ultimately appeal to the PEA Executive.

12. In the event of a strike or lockout members are expected to perform picket line duties for twenty (20) hours per week or four (4) hours for each day that the member would have otherwise have been at work had the strike or lockout not occurred. This means that there is an expectation that members will participate in the work of the strike by being on the picket lines or if that is not possible because of good reasons e.g. recent knee surgery, then they will be expected to perform other duties as assigned by the Local Strike Committee or Picket Captain. i.e phoning members.

Asked and Answered - Strikes

Will members receive a cheque or cash?

Members will receive a cheque.

How do members receive strike pay?

Strike pay will be mailed to members who provide the PEA with a home mailing address. It is critical that members provide the PEA with their current address. Members can review their home mailing address on file online at pea.org/user.

How often will members be paid?

The PEA will process member's strike pay when it receives the "Picket Captain's Report" in the case of a strike, or the "Application for picket line pay" in the case of honouring another union's picket lines. The PEA office will endeavour to send members a cheque within two weeks of receiving these forms.

Will health and welfare benefits be continued in a strike ?

Yes. The Employer will cover the benefits and the Union will be invoiced for them after the strike.

Members on vacation during a strike – will they continue to be paid by the employer?

If their vacation was scheduled and started before the strike, they will continue to receive their vacation pay.

Members on leave – will they continue to be paid by the employer?

If members are on an approved paid leave that started before the strike, they will continue to receive leave as they would have otherwise.

What happens if I am on a maternity or parental leave during a strike?

Scenario 1

If you are on Mat/Parental leave and a labour dispute (strike) occurs, the EI claimant must declare that there is a labour dispute. The claim is sent to EI officers who will make a determination whether the claimant is eligible. EI benefits may be on hold for a while. If the claimant is not participating in the strike and the claim started before the strike then benefits will continue. If the claimant is participating in the strike then the EI officers will determine if the claimant is still meeting the main requirements of EI, which is to take care of the child. If they determine the requirements are being met then the EI benefits will continue and strike pay will not affect the EI benefits.

Scenario 2

If the Union is on strike when the claimant applies for benefits, a determination will be made as to whether the leave was prearranged by letting the employer know weeks or months in advance of the start of the leave.

Regarding SUB benefits supplied by the employer, the PEA will confirm before the strike starts whether this benefit is available; however, it is likely it will be suspended during the strike. You will still have your medical dental benefits continue during any strike action.

As far as strike pay and EI benefits: Given the possibility of being cut off EI benefits, the PEA does not require a member to participate in the strike. However, to be eligible for strike pay members must participate in the strike by performing picket line or other duties (if there are reasons why you can't picket duty, there may be other things you can do). It is likely that the PEA would top up your EI to the amount of strike pay per week if you participated in the strike. Since EI does not consider strike pay as income it appears that EI benefits would not be affected by a strike.

If a member only works part-time will they be eligible for full strike pay?

According to our strike pay policy, members receive strike pay for days they would have otherwise worked (ie. a member who works only Monday and Wednesday would receive strike pay for those days, provided they perform picket duties). For members who usually only work a portion of a day strike pay will be prorated.

What if a member can't walk a picket line due to physical limitations or other legitimate reason?

They can be assigned other duties (supporting the picket line, phoning members, being a contact person for the PEA and other members, etc).

What if a member of the public wants access to the building that I am picketing?

Allow any member of the public to enter the building. There may be leaflets that you can provide to the public for their information.

What do I do if somebody gets into an argument with a member?

Do not engage the person. Call the Picket Captain.

What if the media wants to interview me?

Do not engage the media. Refer them to the PEA Communications Officer.

Forms

Application for picket line pay form

This applies where there is a picket line by another union.

Self-reporting form where members have lost pay due to the striking action of another union. Members are not required to picket duty in this instance but if they have lost pay they will report lost pay on this form. To access the form go to the pea website at **pea.org/strike**, download the form, fill it out and scan or fax it back to the PEA.

Claim for Strike Pay - Picket Captain report form

Picket Captains will visit picket lines and record each member's picket duty. Members will initial each day the number of hours they performed pick duty. Members who have performed other duties acceptable to the strike committee will also be recorded on this report.

This report will be sent in to the PEA head office every Friday during a strike. The forms will be available on the pea website at **pea.org/strike** and downloaded by the Picket Captain and sent in to the PEA office complete with signatures (fax or email-scan).



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