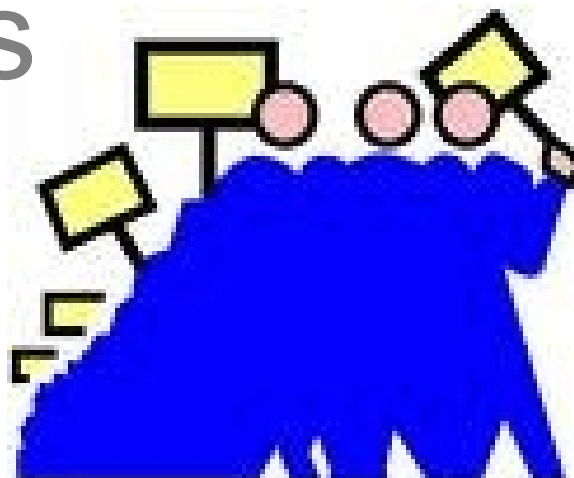
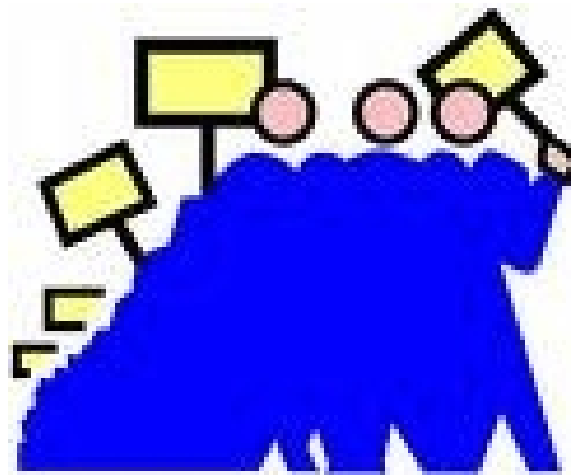


# Union Organizer's Pocket Guide to



# Strike Action



This *Pocket Guide* is intended to be a useful tool for strike organizers and picketers.

The *Pocket Guide* refers to the *Public Service Labour Relations Act* (PSLRA).

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## Other Useful Documents

Guide for Members

Membership Benefits pamphlet

Your Union at Your Service (CD-ROM)

Professional Institute By-Laws and Regulations

Professional Institute Policy Manual

Manual for Elected Officials

Pocket Guide for Elected Officials

Steward Manual

Pocket Guide for Stewards

Mentorship Guide for Stewards

Pocket Guide on Consultation

Pocket Guide on Occupational Safety and Health

Pocket Guide to Employment Equity

Pocket Guide on Harassment

Pocket Guide on Human Rights

Pocket Guide on Whistleblowing

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## FOREWORD

A strike is called as a means of applying economic pressure on the opposite party, to get it, hopefully, moving in a fashion more advantageous to the other, and to assist in reaching a settlement acceptable to the union and management.

Before a strike can be called, four conditions must be fulfilled:

1. The issues in dispute must be serious.
2. All other means of settling the dispute have been exhausted.
3. There must be a reasonable chance of success.
4. The strike must be legal.

Strike action rests on the commitment and determination of the members, and its success is based on their willingness to take action.

Good strike preparation is critical. PIPSC participants must understand their role, its limits and what can be expected from various intervenors, as well as the meaning of building and maintaining solidarity. Most of all, strike preparation is intended to send a message to the employer that the parties are at a junction and the consequences could be painful.

Just as armies are equipped to wage combat, using them spoils the resource. So armies and their leaders do considerable sabre-rattling in the hope that the other side will modify its position, as opposed to picking a fight. The analogy to strike preparation is just that.

Thus, a strike is a last resort, but one for which the union and its members must be prepared.

## DEFINITIONS

**BARGAINING AGENT** - The Professional Institute of the Public Service of Canada

**BARGAINING UNIT** - An appropriate community of employees represented for whom PIPSC holds a bargaining certificate issued by the Public Service Labour Relations Board (PSLRB) or the former Public Service Staff Relations Board (PSSRB).

**CENTRAL STRIKE COMMITTEE** - A Central Strike Committee (CSC) may be established to ensure coordination and communication between Group Strike Committees; when, in the opinion of the President, two (2) or more groups approach a legal strike period.

**COLLECTIVE AGREEMENT** - An agreement in writing, entered under the Public Service Labour Relations Act (PSLRA) between the Union and an Employer, applicable to a bargaining unit, containing provisions respecting terms and conditions of employment and related matters [PSLRA 2 (1)].

**EMPLOYEE** - A member of the bargaining unit, including "Rand" deductees.

**ESSENTIAL SERVICES** - "essential services agreement" (ESA) means an agreement between the employer and the bargaining agent for a bargaining unit that identifies (a) the types of positions in the bargaining unit that are necessary for the employer to provide essential services;

"essential service" means a service, facility or activity of the Government of Canada that is or will be, at any time, necessary for the safety or security of the public or a segment of the public. [PSLRA, art. 4]

**EXCLUDED EMPLOYEE** - A person who is not a member of the bargaining unit, such as a manager, or a non-unionized staff.

**GROUP** - The occupational group that a member is part of.

**GROUP STRIKE COMMITTEE (GSC)** - Under the authority of the Institute President, the GSC is responsible for planning, organizing and conducting a strike.

**LEGAL STRIKE** - 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 slow-down of work or other concerted activity on the part of employees that is designed to restrict or limit output. [PSLRA 2.(1)].

**PIPSC REGULAR MEMBER** - An employee who belongs to a bargaining unit who filled and signed a form to become a member and has been accepted by PIPSC.

**RAND DEDUCTEE** - A "Rand" deductee is an employee who, as a member of the bargaining unit, is paying union dues but has not applied to become a member of the union.

**STEWARD** - An official representative of the union appointed by PIPSC following recommendation by the Group Executive. The employer is notified of the appointment by PIPSC (PIPSC By-Laws 12).

**STRIKE VOTE** - A consultation of all PIPSC members and "Rand" members of the bargaining unit to see if they are prepared to do job action. This is required by PIPSC before going on strike.

**UNION** - Same meaning as "bargaining agent".

**WORK TO RULE** - A concerted activity on the part of the employees that may result in restricting or limiting output. The employer may consider "Work to Rule" as a strike action and complain to the Public Service Relations Board to obtain redress. Hence, "Work to Rule" campaigns must be carefully planned and consultation with PIPSC staff is essential.

## THE DIFFERENT STEPS

### CALLING A STRIKE

The **PRESIDENT** of the Institute is solely responsible for the authorization of a strike for any Group represented by the Institute. This responsibility may be exercised on recommendation of the Group Executive or Bargaining Team when it has been delegated to it by the Group Executive. Usually, this decision is taken following a vote where a majority of group members have agreed to go on strike. Timing of the vote is a strategic decision taken by the Group Executive on recommendation of the Bargaining Team.

***Authorization of a strike shall be given in writing by the President.***

### PREPARING FOR A STRIKE

In advance of any strike activity, the Group Executive should advise all Sub-Groups and stewards of the impending situation. Strike Captains need to be selected, and all members should be solicited for support and encouraged to make general preparations for strike action. Members should be briefed as to what they might expect and how they should act during a strike.

### PLANNING THE STRIKE

A national strategy needs to be developed which takes into account the variety of scenarios that may arise. The strategy depends on the time of the year, essential

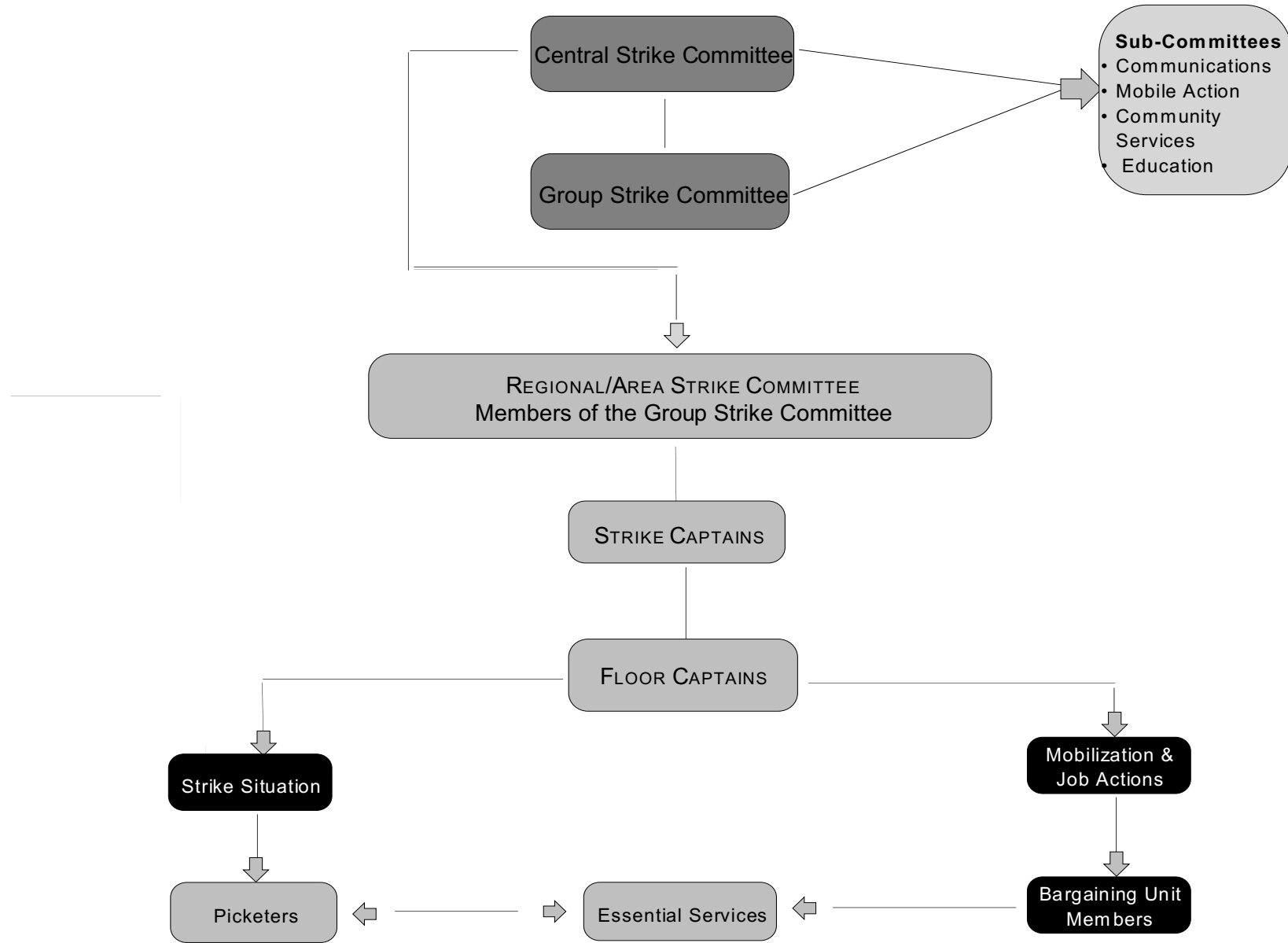
services, willingness of the membership to participate, location of members and strategic importance of sites. Specific activities such as a walk-out, work-to-rule, protest, etc. need to be selected. Each conflict is unique.

### THE STRIKE

**A strike is the refusal of employees to perform some of or all of their work.** Strike action may take many forms, depending on the characteristics and nature of the work performed by the striking group. Regardless of the course of action taken, the objective remains the same: to persuade the employer to adopt a position acceptable to the union and its members on the issues in dispute.

The union must be in a legal strike position before undertaking any strike activities. Strike plans should be prepared prior to a legal strike period. They must be treated as highly confidential to succeed.

# ORGANIZATION CHART





## THE PARTICIPANTS

### CENTRAL STRIKE COMMITTEE (CSC)

When, in the opinion of the Institute President, two (2) or more groups approach a legal strike period, a CSC may be established to ensure the coordination and communication between Group Strike Committees. The Central Strike Committee shall consist of the Institute President (Chair of the Central Strike Committee), the Chairperson (or a delegate) of each Group, the Chairperson (or delegate) of each Group Strike Committee, the Institute Negotiator assigned to each group, the Section Head, National Negotiations and Employment Relations (NNER) and/or Manager Representational Services, the Institute Media Relations Officer and other PIPSC staff as required.

The Institute President as Chair of the Central Strike Committee

- keeps the Board of Directors fully informed;
- is the Institute's official spokesperson in relations to the national media;
- delegates specific media relations responsibilities to various individuals as is deemed appropriate.

The Group Chairperson and/or Chair of the Bargaining Team

- liaises between the Central Strike Committee, the Group Strike Committee, the Group Bargaining Team and the Group Executive; and,
- polls the membership of the bargaining unit on any issue such as a strike vote or ratification of a Memorandum of Settlement.

### GROUP STRIKE COMMITTEE (GSC)

When, in the opinion of the President, a Group is approaching a legal strike position, a GSC shall be formed. The GSC under the authority of the Institute President is responsible for planning, organizing and conducting a strike. It will be composed of the Institute President, three members of the appropriate bargaining unit as nominated by the Group Executive, the Institute Negotiator assigned to the Group, the Group Organizer (where applicable), the Area Strike Coordinators (as required), the Institute Media Relations Officer, the Section Head of National Negotiations and Employment Relations (NNER) and/or the Manager of Representational Services and other PIPSC staff as required.

Its mission is the establishment of an organizational structure, facilitating complete membership participation in the strike activities within the shortest time possible. Members of this Committee should be individuals qualified to establish and maintain the communications network in the various departments and agencies. The Committee is charged with the general conduct of strike activities, such as the implementation of policy and the development of strike strategy.

The President is the Chairperson of the Group Strike Committee.

The Strike Committee, under the authority of the Institute President, shall be solely responsible for the planning, organizing and conduct of a strike.

- (a) Procedures to be followed during a strike shall be in accordance with the Institute Strike Manual.
- (b) Members of a bargaining unit(s) which is on strike shall be guided by their Strike Committee.
  - keeps the Central Strike Committee fully informed of whatever developments take place in the worksites and on the picket lines;
  - advises the Central and Group Strike Committees on locations of strengths, weaknesses and trends;
  - communicates to the Group Strike Committee information from the Central Strike Committee for dissemination through the communications network;
  - chairs and coordinates the work of the Group Strike Committee;
  - liaises with the Group Executive, the bargaining team, the Regional/Area Strike Coordinators, PIPSC staff and the Office of the President to fully inform them on developments pertaining to the strike; and
  - names Strike Coordinators.

The GSC can create various sub-committees to assist them in the numerous tasks:

#### **Communications Sub-Committee**

- ensures that telephones at all strike centres are attended 24 hours per day if necessary;

- ensures that a member is on duty at all local strike headquarters;
- directs enquiries to the appropriate sources;
- prepares and distributes local newsletters and updates;
- distributes authorized public relations material;
- keeps the membership lists and telephone directory up-to-date; and,
- ensures that all information on Institute bulletin boards is current.

#### **Mobile Action Sub-Committee**

- is in charge of human resources, filling gaps whenever they occur;
- reacts to worksite problems undermining membership support;
- provides reserve picketers in case of absenteeism or an emergency on the picket line;
- reinforces picket lines which need bolstering on strategic locations;
- participates in symbolic actions or mass demonstrations at strategic locations; and,
- is on call to cope with any emergency that may arise.

### **Education Sub-Committee**

- is responsible for study sessions, seminars and information classes. Education classes can provide a boost to morale, particularly if they are timely and well-prepared.

### **REGIONAL/AREA STRIKE COMMITTEE**

With the approval of the President, the Group may convene Regional/Area Strike Committees (RASC). The role of the Regional/Area Strike Committee is to plan, organize and conduct strike activities for the area or region. The RASC must also maintain communication with regional membership and encourage maximum participation within the shortest time possible.

The RASC shall consist of the Area Strike Coordinator (as Chair), the Assistant(s) to the Regional Strike Coordinator (if required), Strike Captains, member(s) responsible for communication, other members as required and PIPSC Regional Office staff as requested.

Some of their duties include:

- conducts all strike activities in their areas of responsibility, advises on strengths, weaknesses, trends in the region or area;
- names and replaces Strike Captains and their alternates as may be required;
- ensures that regional or area strike plans are developed and submitted to the GSC for approval;

- ensures that all information to be transmitted from the Group Strike Committee to the members of the bargaining unit is relayed without delay and confirmed in writing, where necessary, and briefs strike captains;
- ensures communication is established and maintained with members in all departments and agencies within its region;
- advises the Strike Captains on reimbursement of approved expenses as determined by the Group Executive in accordance with Institute and Group policy; and,
- liaises with regional PIPSC staff, sub-groups, stewards and GSC.

### **STRIKE CAPTAIN**

Strike Captains are appointed by the Regional/Area Strike Committee.

The Strike Captain is responsible for all strike activities at a site delegated to his or her control by the Regional/Area Strike Coordinators. He should be able to address complex situations as they arise. Here are some of their duties:

- ensures that all information received regarding the strike is conveyed immediately to Floor Captains;
- controls the picket line for the entire site (this includes all entrances);

- recruits competent and experienced members to become Floor Captains and assigns duties such as member contact responsibilities;
- liaises with police on picket line;
- organizes strikers to optimize the effects of picketing in terms of timing, slogans, placards and handouts;
- ensures that pickets remain off employer premises;
- ensures the distribution of food, beverage and paraphernalia (camera, megaphone, buttons, placards, etc.);
- ensures the distribution of handouts describing legal restrictions concerning strikes and picketing activities;
- distributes Picket Line Attendance Forms to Floor Captains and collects them. Ensures they are relayed to members with information on what expenses may be reimbursed, how to submit claims and which documents need to be submitted to receive strike pay;
- calls and conducts meetings of members for morale-boosting purposes or to vote on various issues;
- keeps an accurate record of the names of the picketers, their tours of duty and their times on and off and assigns roles (first aid, runners, etc.);
- coordinates picketing members;
- establishes a “flying squad” if necessary;

- designates a member to carry a camera and record events as required;
- keeps a list of emergency contacts in case of medical or other problems; and,
- liaises with local employer representatives.

## **FLOOR CAPTAINS**

Floor Captains are appointed by the Area Strike Captain.

Floor Captains manage picket units and ensure that each picketer is well informed and organized. They are responsible for controlling and maintaining their section of the picket lines. Floor Captains should attempt to know all picketers under their responsibility.

Floor Captains should map their work sites and contact members for picket duty, well in advance of the strike deadline. In the weeks before the strike, they should meet regularly to discuss work site logistics and set up picketing schedules.

Their duties include:

- map out worksites, including all entrances and driveways, in order to help plan picket sites. Some of this information may be garnered from health and safety committee members;
- compile a list of all members at the worksite, with their home phone numbers and home e-mail addresses;
- approach all non-members to sign union cards;

- set up a schedule of pickets and call each person on the picket team;
- plan picket schedules and contact picket team members long before the strike deadline;
- train pickets on the schedule, guidelines for conduct on the picket line, and the need to refer reporters or any other visitors to others designated for that purpose;
- manage a picket unit and ensure that each picketer is supplied with an information paper on picketing;
- determine who will be allowed to cross the picket line;
- keep the picket line moving and maintains a watchful eye on strangers who join the picket line;
- keep accurate records of who fulfills their picket duty, a requirement for receiving strike benefits; and
- cope with any eventuality that arises on the picket line.

## **PICKETERS**

All members must participate in picket duties unless assigned other activities by the Regional/Area Strike Coordinator. Examples of other duties include: planning and providing refreshments, attending telephone lines, transportation, preparing and distributing paraphenelia, day care, doing various administrative duties, helping to organize activities such as demonstrations, rallies, meetings, etc.

Members are required to participate in picketing according to the plan applicable to their site unless other duties are assigned to them. Picketers must come and depart at the specified time and location. They must report to the assigned Strike Captain or Floor Captain on arrival and departure and sign the Picket Line Attendance Form. (See page 23). Attendance forms with signature and most recent pay stub are required to receive strike pay.

## **STRIKE PAY**

Should strike pay be authorized by PIPSC:

- (1) Strike pay shall be paid only to those members who participate in authorized and legal strike activities as determined by the Strike Committee.
- (2) Claims for strike pay, substantiated by the pay stub and a claim form signed by the Strike Captain must be submitted within ninety (90) days upon receipt of a pay stub that indicates a loss of pay due to strike activity.

See Picket Attendance Sheet on page 23.

Floor Captains should ensure that shifts are uniform and last no longer than four hours. Where practical, members should picket the place in which they normally work, on their regular shift, reducing transportation and control problems. It is better to have picketers who can recognize management, who know the premises and other employees. Factors to take into account in assigning picket duties include the following: family

responsibilities, disabilities, natural social groupings, transportation and experience.

On the picket line, picketers are allowed to demonstrate peacefully, without creating a disturbance or violating the employer's rights or those of other employees.

## **RIGHTS OF EMPLOYEES DURING A LEGAL STRIKE**

### **1. Members and Rand Members in the Bargaining Unit**

Regular (card carrying) members, as well as Rand deductees, are expected to honour all directives issued to them by Institute strike officials.

### **2. Employees covered by an essential services agreement**

Employees covered by an essential services agreement are ones whose positions are considered essential to the safety or security of the public.

Employees, or their alternates, covered by an essential services agreement must report for work, or be faced with possible disciplinary action by the employer.

Employees covered by an essential services agreement are expected to carry out all of their normal duties. They are not expected to perform any other work. Should the employer ask them to perform duties which they do not normally carry out, they should refuse. If the employer gives them direction to perform those duties, they should comply and contact their strike coordinator for advice.

Employees covered by an essential services agreement will have received a letter from the employer stating their status. Before going through a picket line, such employees should identify themselves to the Picket Captain, in order to avoid any misunderstandings.

Employees covered by an essential services agreement have the right to ask management to provide them with an escort through the picket line. They should be encouraged to participate in any demonstrations that occur outside of their normal working hours.

### **3. Excluded Staff and Members of Other Bargaining Units**

Excluded staff, as well as members of other bargaining units, have the right and are required to work. However, strikers have the right to speak to and inform them. The employer may ask excluded employees to perform work which they normally do not carry out.

### **4. Support for Striking Employees**

Members whose bargaining unit is not on strike who wish to support their fellow employees who are legally on strike, may join the picket line on their own time. This means before and after work as well as during your lunch period. Remember that breaks are paid by the employer while lunch periods are not.

Members are strongly discouraged from voluntarily crossing picket lines or collaborating with the employer.

## **THE PICKET LINE**

Picket lines are not exercises in polite discussion. They are instruments of social pressure. The idea is to express the collective contempt of the strikers on those who would cross their picket line. The object is to make the non-striker feel the weight of social ostracism every time they enter the struck premises. Picketers may not employ physical violence, but they may certainly exert social pressure.

The picket line is the sign and symbol of union solidarity and is a barrier – intangible – but nonetheless real. It is a matter of faith and morals and an obligation of conscience not to breach the picket line. This commandment is obeyed not only by fellow employees of the picketers, but by all true believers who belong to other unions which may have no quarrel at all with the employer who is picketed.

### **PICKETING : PURPOSE AND STRATEGY**

A picket line effectively restricts access to a work site during a strike. It is the most important tactic used to pressure the employer and to promote solidarity among members. Picketing involves the actual patrolling of employees at or near the employer's place of business during a strike or other dispute.

**Pickets normally demonstrate only in the vicinity of those premises that are being picketed.** They should be on the move and not obstructing any pedestrian or vehicle that is endeavouring to go about its business.

Picketing is organized for several reasons:

- gets all members involved;
- shows resolve to the employer;
- demonstrates to the public the group's discontent;
- informs clients or suppliers of the existence of a strike;
- increases visibility;
- provides information to non group members;
- discourages other people from going in to do the member's work; and,
- discourages dissident members of the group from working.

No physical violence should be used. **Acts of violence cannot and will not be condoned!**

Picketing is a strategic exercise. The time and place of picketing must be carefully chosen. The style of picketing depends on the strike action. Regional Strike Committees will consult with local Strike Captains, to determine appropriate tactics from the following examples:

- picketing should be heaviest at times and locations where it will hurt the most;
- picketing timetables can be changed to be more effective or have more members participate;
- picketing can be done at all work sites or selected work sites with members from different work sites;
- picketing can be done near the main entrance of a work site or selected entrances;
- picketing can be reinforced by mobile squads; and
- picketing can be supported by supervision patrols.

## PICKET PREPARATION

Members should be informed in advance of where they will picket and at what time. However, members may be advised to show up at strike headquarters, and then assigned as needed. Members will be registered for picket duty at the same time that they are registered for strike pay.

Members can be reached through telephone, e-mail and media as no one method is ever perfect. It is also the responsibility of members to know who their Floor Captains and Strike Captains are and keep informed about all strike activities.

## DUTIES OF PICKETERS

Picketers may:

- walk around with a placard;
- speak with people going through the picket line;
- walk en masse in front of the access points to a property, as long as they keep on moving and do not obstruct;
- make noise, speak to individuals, as long as it does not come within the realm of a disturbance or assault; and,
- communicate by means of the media, flyers, buttons, pickets, as long as they are not defamatory.

Picketers may not:

- trespass on employer property without consent;
- watch or beset a house or place, if it is not for the communication of information;



- create a nuisance;
- intimidate or take violent action or otherwise cause a disturbance;
- act in a mischievous fashion by destroying or damaging property, rendering it dangerous;
- interrupt the lawful enjoyment of property;
- obstruct access to property; and,
- obstruct a peace officer.

## **PICKET LANGUAGE**

- pickets should avoid personal issues, foul language, obscenities; and
- text on the picket may be personified – name the President of Treasury Board as the bad person on picket signs, carry the Prime Minister in effigy at demonstrations. This appeals to the imagination and identifies those who really wield the power.

## **CROSSING A PICKET LINE**

Some employees who have the right to strike may try to cross the picket line. Members on the picket line should attempt to dissuade them with rational arguments. Physical restraint should be avoided at all times. Their names, titles and place of work should be noted.

Excluded staff and members of other bargaining units (non-members) who work in the same building as strikers can cross the picket line as they have the right to work. However, before doing so all should be briefed on the strike issues. Literature should be distributed to them. All those who are unionized should be asked to contact their union for instruction. All should be advised to seek

an escort.

Non-employees (delivery staff and others) should be discouraged from crossing the picket line. Physical restraint should be avoided at all times.

If possible, all those who cross picket lines should be identified and recorded, their titles and place of work noted and this information reported to the Strike Captain. Taking pictures of those crossing the pickets line may also be a manner of identifying them.

(See Employees covered by ESA and Scab Identification forms on pages 24 and 25.)

## RULES OF PICKETING

The following list should be reproduced and distributed to all picketing members and should be adhered to strictly:

Rules and duties of members on a picket line:

- most picketers should carry a sign;
- every picket line must have a Floor Captain;
- at least one picketer should carry a camera at all times (to take pictures of events on the line, particularly acts of provocation);
- each picket line should be supplied with copies of leaflets to distribute, particularly to clients of the employer, explaining the reason for the strike;
- picketers should dress casually, but neatly;
- picketers should be courteous but friendly to the public, and should ensure that they do not obstruct the normal use of the sidewalk;
- there should be NO consumption of alcohol or any other illicit substance before going on picket line duty. Anyone under the influence or in possession of alcohol will not be allowed on the picket line;
- picketers should report to the Floor Captain before going on the picket line, at least half an hour before the start of their shift;
- anyone attempting to cross the picket line must be informed of the strike and asked politely to respect the picket line;
- picketers should not engage in an argument or debate concerning the strike with the person trying to cross the line. Employees covered by an essential services agreement and other non-striking employees should be informed of their right to request a management escort through the line, and asked to honour the line until they have that escort;
- if individuals insist on crossing, they should not be restrained. However, picketers should try to identify them, the firm they represent and their vehicle license number. This information should be passed on to the Floor Captain;
- picketers should refer any questions to the Strike Captain, particularly (and especially) questions from the media; and
- all problems should be reported to the Floor Captain.

# COMMUNICATIONS

## COMMUNICATION WITH MEMBERS

It is essential to be able to communicate efficiently with members in the period leading up to and during a strike. Members need information to ensure that the strike runs smoothly, and to maintain their morale. Provision of strike information involves letting the members know:

- what's happening;
- when it's happening;
- where it's happening; and,
- who is involved.

Information should be simple, clear and concise.

Basic communications should provide the following information:

- the names of the Regional and Area Coordinators, Strike Captains, Floor Captains, and Stewards, their phone numbers and function (for distribution before the strike);
- the location, telephone number(s) and hours of operation of the local strike headquarters;
- how to get strike pay, where to register and when, as well as the duties required for eligibility; and,
- details with respect to any special events.

A list of members of the Region/Area Strike Committee, activists, stewards, Strike Captains and Floor Captains needs to be prepared.

An up-to-date list of all work sites together with the names, telephone numbers and e-mail addresses of all members of the bargaining unit is also essential. Efforts must be made months before calling a strike to collect information to update lists.

The Area Strike Coordinator should distribute the list of each site to Strike Captains. Strike Captains are responsible to divide the list into manageable portions and assign them to Floor Captains. The lists are used to contact members by telephone and e-mail to inform them about meetings, picket duties, days and times of strike activities, names of Strike Captains and Floor Captains.

Identify employer contacts before the conflict.

A telephone bank including all cell phones and an "e-mail bank" must be ready and staffed appropriately to receive and return calls at the Headquarter and Strike Centres in regions in the period leading up to a strike and during a strike.

It is the responsibility of members to learn who their Floor Captains and Strike Captains are and to inform themselves about strike activities.

All methods of reaching members should be used at the same time: telephone, e-mail and media as no one method of communication is ever perfect.

## PHONE TREES

A phone tree is an organized structure for using the telephone to quickly communicate a message or ask opinions of a high percentage of workers in a group.

With a phone tree, contact campaign leaders can pass on a message or question to phone tree captains who each call a particular group of up to 10 phone tree volunteers, who in turn call up to 10 workers.

In this way, hundreds or thousands of people can be reached, yet each person only makes 10 calls.

A phone tree can be particularly useful in units that are very large, where people do not see each other regularly at work, or where it is difficult to talk on the job.

Phone trees generally are most effective if one-on-one contacts have been made in person first, so workers know the caller at the other end of the line.

Gather accurate phone numbers (as discussed further). This will make the system more efficient and reduce callers' frustration.

## MAINTAINING A PHONE LIST

Compiling an accurate list of members' phone numbers is much easier to do as an ongoing activity than as a crisis project.

1. **Use your steward system** - Give each steward a form every few months to fill out with names, addresses, phone numbers and e-mail addresses of the members they are responsible for. This procedure

will not only give you up-to-date information for phone, e-mail addresses and mailing lists but will also help you identify weaknesses in your steward system.

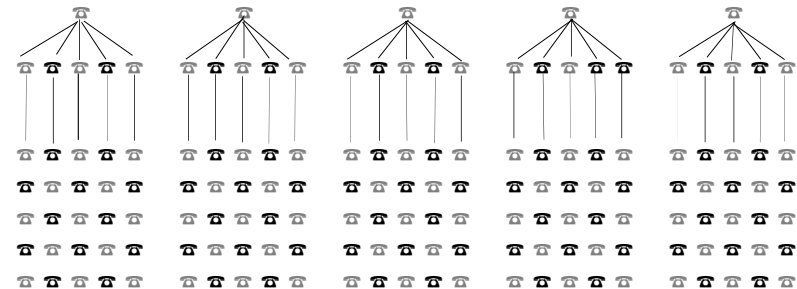
2. **Ask members at meetings and in publications** - At any meeting involving your members, circulate a sign-in sheet showing name, address, phone number, work area, e-mail and any other information that will help you update your list.

In publications include a notice about how a member can update the union's records and why it is important to do so. If there is room, publish a coupon members can mail in or give to their stewards.

3. **Encourage the phone tree volunteers to meet with the members** they are responsible to call. This way they can refine their list with home phone numbers and e-mail addresses for example.

## SAMPLE PHONE TREE STRUCTURE

Each telephone indicates a member's name and phone number



This phone tree reaches 155 people yet each person has to make only five phone calls

**Set up a structure** - Work with worksite leaders to set up a structure in which campaign committee members call a small group who each call 5 to 10 people, who in turn call 5 to 10 more, and so on (see figure above). The smaller the number of calls each person has to make, the more willing he or she will be to participate.

**Try out the system before an emergency hits** so you can identify problem areas. It's a good idea the first or second time you use it to be asking workers for opinions or information and not just giving them a message from their leadership. That shows that the leadership wants communication to be a two-way street.

**Special Phone Number / Hot Line** - In larger units - say, 2,000 workers or more – where it is not easy to quickly exchange information in person, you may want to set up not only a phone tree, but also a special phone line members can call to get a current update.

Don't rely too much on a tape-recorded message as you will be limited in what you can say since management can also retrieve this information.

### **SAMPLE TIPS FOR PHONE TREE VOLUNTEERS**

1. Use the written message you are provided, or write your own to express what you have been asked to pass on.
2. Don't count on messages you leave. They may not get to the person, or they may become garbled. Call back.

3. If someone is not available when you call, find out when they will be so you can call back.
4. If you reach voice mail or a recorded message, include in your message suggested times for reaching you.
5. Keep the names and phone numbers you are responsible for on one card or piece of paper next to your phone. Include all phone numbers where a person can frequently be reached.
6. If negotiations have reached the final stages, keep your phone list with you at all times in case you have to make calls on short notice.
7. Test phone numbers before you need them in a crisis.
8. If for any reason you have problems with someone on your list, or your schedules conflict or you have a personality clash, arrange for that person to be put on someone else's list.
9. If you are going to be on vacation or unable to make calls, arrange for someone to take your place. Make sure they clearly understand their responsibilities and have all the information they need. Give their name and number to the person who normally provides you with the information to pass on.

## COMMUNICATION WITH THE MEDIA

A publicity campaign may need to be developed with the help of the appropriate PIPSC staff. All publicity requires the approval of the Group Executive and the Group Strike Committee.

Authority to communicate with the media about all public activities (for example: press releases, press conferences, interviews, meetings) rests with the appropriate PIPSC staff and members of the Group Strike Committee or ASC, depending on the circumstances and where the activity is happening.

Authority to post messages on the PIPSC Web site for the group rests with the appropriate staff.

Spokespersons at an event are chosen among the following:

- members of the Bargaining Team
- members of the Group Executive
- members of the Group Strike Committee or ASC
- elected officers of the Institute
- PIPSC staff

## POLICE INTERVENTIONS

It is possible that the police may intervene on your picket line. Should this situation occur, all picketers must continue to picket until told otherwise. The Strike Captain will deal with the police if necessary and will indicate any changes in the action. Wait for the Strike Captain's instructions.

Probabilities are that no one will be arrested and/or charged as a result of a labour dispute if picketers conduct themselves in an orderly way. However, the Area Strike Coordinator must be prepared to contact PIPSC staff immediately, should any members be arrested. The Institute may arrange for any local legal counsel if required.

If arrested, follow nine basic rules:

- do not assume that the police is on the picketers side; believe the police will apply the law;
- it serves no purpose to provoke the police; refrain from so doing;
- offer no resistance, either physical or verbal;
- do not make oral or written statements to the arresting peace officers;
- request that someone inform the Area Strike Coordinator immediately. If appropriate, PIPSC will contact legal counsel immediately and ask them to intervene;
- go along to the police station and correctly identify yourself: name, address and telephone number;
- refuse to answer any questions other than those regarding your identity, even if you are without fault;
- request to see a lawyer and ask why you have been arrested; and,
- keep cool.

## **TERMS & CONDITIONS OF EMPLOYMENT DURING A LEGAL STRIKE**

The terms and conditions of employment contained in the collective agreement cease to be legally binding on the employer once the bargaining unit has acquired the legal right to strike. At that time, the employer MAY suspend any benefit. This could include suspension of any or all other provisions of the collective agreement, including the National Joint Council agreements, as well as terms and conditions of employment separately established under employer policy.

## **QUESTIONS PERTAINING TO STRIKE ACTION**

### **1. The term “work to rule” is used often. Does it have legal definition? If yes, what is it?**

A “strike” is a “slow-down of work or other concerted activity on the part of employees that is designated to restrict or limit output.” While there is no legal definition per se for “work to rule,” the foregoing language could include “work to rule” strategies. The issue becomes the extent that work to rule restricts or limits output. If an employee performs his job thoroughly as is prescribed in relevant employer authorities, but as a consequence normal output is reduced, such action should not be considered as a “strike.”

Work-to-rule campaigns must be carefully planned to ensure that there is no refusal to perform work and that

employees continue their normal “efforts” on behalf of the employer, or else these actions will be found to constitute strike activity. Work to rule is most effective when employees continue to apply themselves in the performance of all their duties in a most thorough and meticulous manner as prescribed by the relevant employer authorities.

### **2. To what extent can employees refuse to work overtime?**

The refusal to work overtime is the legitimate exercise of the right to strike. When this strategy is employed, the employee should advise management that they will not be fulfilling an overtime requirement and then leave the worksite at the conclusion of their normal hours of work. The period of notice can be brief, depending on the strategy and circumstances of the overtime requirement, that is, an announced standing policy to refuse all or certain overtime requirements or, alternatively, to advise management at the time of a specific overtime requirement.

Employees covered by an essential services agreement cannot refuse to work overtime if the work is part of their normal duties.

### **3. Can employees refuse to go on stand-by?**

Yes, and as noted in 2 above, this would be part of an announced strike strategy.

**4. At what point can employees start a work-to-rule campaign?**

Strike activities cannot commence until seven days after the receipt of a conciliation board report. A campaign which falls under the definition of “strike”, however, cannot begin until the group is in a legal strike position.

**5. Prior to being in a legal strike position, is preparation for a strike (e.g. naming Strike Captains, printing signs, arranging picket targets) taken to mean that the Institute is not bargaining in good faith?**

No. Strike preparation is a necessary part of the collective bargaining process. Bad faith in the context of bargaining has been the subject of wide interpretation by various labour boards. In this context, however, strike preparation simply indicates that the employer’s position in negotiations may cause the bargaining unit to contemplate a strike.

**6. Who, on the union side, can authorize strike action?**

The Institute’s President, together with the Group Executive and the Central Strike Committee.

**7. Can an employee refuse a management order to desist from what management considers to be job action? If such an order is given to an employee, what should they do? What should the employee expect management to do?**

An employee in a legal strike position has the right to strike. However, on-site job actions which, as defined in

the Act, constitute a “slow-down of work or other concerted activity on the part of employees... that is designed to restrict or limit output” are legal, but may result in the employer directing the participants to leave the premises, with the resulting loss in pay.

The affected employees must comply with a management directive to desist. They should consult the Institute when faced with this issue.

**8. What should Strike Captains do if members of another union want to participate in our job actions, either as individuals or as an official union activity?**

Support is always welcome, provided it is compatible with the strike strategy in place. Supporters must accept responsibility for their actions and fall under the supervision of our Strike Captains. Strike Captains are obliged to explain these latter two points when supporters begin to participate.

**9. Is pay for a designated paid holiday jeopardized because an employee is on strike on the normal work day immediately before and/or after the holiday?**

Yes. In a legal strike period, the terms and conditions of the collective agreement cease to apply and the employer has the unilateral authority to establish terms and conditions of employment, although these may not be less than what is required under law or regulation. Current employer policy (except where amended by a collective agreement) requires an employee to be working or to be on authorized leave with pay on either the day before or the day after a designated paid holiday.



**10. What are the responsibilities of a an employee covered by an essential services agreement?**

Such employees are required to perform only those functions which have been noted as essential (normally, all of the regular duties of the position). An employee covered by an essential services agreement should report immediately to their Institute negotiator any management request to perform other duties.

**11. Can an employee other than an excluded or non-unionized employee be required to perform the duties of a striking employee?**

Normally, no. However, instances may arise where managers will direct other employees to perform the work of striking employees. If that occurs, the employees should ask for written direction, at which point they would “comply, then grieve” and contact the Institute to discuss and receive advice and assistance.

Under Part II of the *Canada Labour Code*, an employee may refuse to perform unsafe work, unless the duties are those which fall within the confines of their normal duties, or unless the refusal to perform the work would jeopardize the safety of other individuals in the workplace.

## KEY TELEPHONE NUMBERS

### Regional/Area Strike Coordinator

Name of Area: \_\_\_\_\_

Name of Coordinator: \_\_\_\_\_

Phone: \_\_\_\_\_

Cell #: \_\_\_\_\_

E-mail: \_\_\_\_\_

### Strike Captain

Name: \_\_\_\_\_

Assigned Site: \_\_\_\_\_

Phone: \_\_\_\_\_

Cell #: \_\_\_\_\_

E-mail: \_\_\_\_\_

### Floor Captain

Name: \_\_\_\_\_

Picket Sites: \_\_\_\_\_

Phone: \_\_\_\_\_

Cell #: \_\_\_\_\_

E-mail: \_\_\_\_\_

### Strike Headquarters

Site: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

### PIPSC Regional Office

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

### Others

Communications Sub-Committee:

\_\_\_\_\_

Mobile Action Sub-Committee:

\_\_\_\_\_

Education Sub-Committee:

\_\_\_\_\_

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\_\_\_\_\_

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# PICKETER ATTENDANCE FORM

Group: \_\_\_\_\_

Date: \_\_\_\_\_

Committee Name (if applicable): \_\_\_\_\_

Area: \_\_\_\_\_

Building: \_\_\_\_\_

Name	Surname	Hours Present	Other
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Signatures: Strike Captain or Floor Captain (if applicable): \_\_\_\_\_

Regional/Area Strike Coordinator: \_\_\_\_\_

Central Group Strike Committee Officer: \_\_\_\_\_

**Instructions:**

1. Strike Officers must sign the "Picketer Attendance Sheet".
2. The sheet is forwarded to the Regional/Area Strike Committee.
3. Regional/Area Strike Committees sign off and forward to the Central/Group Strike Committee for control purposes.
4. Central or Group Strike Committees signs off and forwards to PIPSC, Section Head, Finance Services

# EMPLOYEES COVERED BY AN ESSENTIAL SERVICES AGREEMENT (ESA)

Page \_\_\_\_

Date: \_\_\_\_\_

The following individuals crossed the picket lines:

Name	Surname	Title	Time in	Time out	Place	ESA Code
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

Floor Captain: \_\_\_\_\_  
(Name)

Strike Captain: \_\_\_\_\_  
(Name)

# SCAB INFORMATION

Page \_\_\_\_

Date: \_\_\_\_\_

The following individuals crossed the picket lines:

Name	Surname	Time in	Time out	Place	Title
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

Floor Captain: \_\_\_\_\_  
(Name)

Strike Captain: \_\_\_\_\_  
(Name)

## NOTES

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