

Strike Averting / Strike Preparation

INTRODUCTION

There are two ways to avoid a strike:

- Accept whatever your employer gives you.
- Demonstrate that your members are prepared to strike to get a better offer.

In bargaining, nobody gives you what you don't have the power to take!

The purpose of this handbook is to give activists ideas of things they can do to win a better settlement without resorting to strike action.

If a strike cannot be avoided, this handbook has the information that local leaders need to organize a successful strike.

CUPE Education

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The Bargaining Process

Introduction

Bargaining starts with an exchange of proposals.

As bargaining continues both sides change their proposals based on what is said at the table and on each side's priorities and goals.

This process continues until there is agreement on all the outstanding issues.

The agreed changes are written up in a "Memorandum of Agreement" that is voted on at a membership meeting. If either side rejects the memorandum, bargaining starts again.

Bargaining breaks down when both sides refuse to change their offers.

When this happens a provincially appointed mediator or conciliator is called in and the union usually holds a strike vote. The conciliator/mediator tries to find common ground without having the power to impose a settlement.

If the conciliator / mediator is not successful, a "No Board Report" is issued which means that a strike or lock out can be legally called within 15 to 20 days of the report being issued.

Negotiations can take place at any time up to and during a strike.

Unless the workers are ordered back to work by government, strikes usually continue until a memorandum of agreement has been signed.

There are no rules stopping either side from ending the strike before a memorandum is signed or to agreeing to have an arbitrator rule on the outstanding issues and impose a settlement.

I – Why Do Unions Go On Strike?

Strikes and lockouts happen when no settlement is acceptable to both the union and the employer.

For example, if the only issue in dispute is wages and:

- Union members will accept a wage increase of 3% or more.
- The employer will accept a wage increase of 5% or less.

Then, both sides will accept any settlement between 3% and 5%.

But if union members will accept an increase of 3% or more and the employer will accept an increase of 2% or less; no settlement that is acceptable to union will be accepted by the employer.

In this case, a strike or lockout will take place and continue until one side or both change what they will accept.

II - How To Get A Better Deal At The Bargaining Table

As the example illustrates, strikes happen when the members of the union refuse to accept the employer's final offer. To get a better deal or to avoid a strike, the union has to

convince their employer to improve their final offer. This means convincing the employer that the members will strike rather than accept what is being offered.

In other words, strike averting means doing things to convince your employer to offer more.

The next section of this handbook looks at how to do this.

1. Strike Averting / Strike Preparation Check List

What follows is an outline of actions that unions can take to maximize their chances of negotiating a decent settlement.

Nobody does everything on this list. And no locals undertake any bargaining related actions without working out a plan with their CUPE representative.

Which actions you undertake and how you organize them depends on:

- The size of the your local.
- Where you are in the bargaining process.
- The level of coordination with other locals.
- The level of understanding and support of your members for the bargaining process.
- The bargaining style of your employer and your CUPE Representative.

The handbook has detailed information about each of the items on the list.

Once you get some ideas, the executive should meet with their servicing representative and work out a plan for the actions you want to organize over the next couple of months.

Any Time

- If you have money in a savings account that is not needed for the day-to-day operations, establish a strike fund.
- Get a list of home addresses and phone numbers of your members from your employer.
- Post summaries of important settlements on union bulletin boards.
- Start researching your employer.

This means:

- Keeping a file of newspaper stories about your employer, changes in laws, funding arrangements for your sector and changes in the top management and the elected or appointed board that oversees the operation.
- Finding possible allies on the board or with users of the services you provide.
- Looking for community allies by researching issues such as privatization, cut backs etc.

Before Negotiations Begin

- Hold a Strike Averting Workshop for executive and bargaining committee members.
- Start planning strike-averting actions to support the union's key bargaining proposals.
- Plan a communications strategy during bargaining.
 - What will we tell the members about negotiations?
 - How will we get the information to each member?

Early Stages of Negotiations

- Publish a regular bargaining bulletin or establish a bargaining section on your local's web site after each bargaining session.

Negotiations Break Down

- File for conciliation.
- Using the bargaining bulletin, union web site and special membership meetings:
 - Explain what conciliation means.
 - Outline the main areas where there is no agreement.
 - If it isn't obvious, explain why the areas in dispute are important to the members.
 - The importance of members showing that they support the bargaining committee.
- Start strike averting actions that demonstrate the members' support the bargaining committee.
- Hold a Strike Preparation Workshop.
- Decide what strike related committees you will need to set up.
- Develop a budget for the strike.
- Decide when to hold a strike vote.
- Start work on ensuring that the overwhelming majority of your members will vote to strike.
- Explain the how strike votes works.

Conciliation Fails

- Ask for a "No Board Report".
- Explain the meaning of a "No Board Report" to the members.
- Hold a strike vote if you haven't done so already.
- Step up strike averting actions to demonstrate membership support for the bargaining committee.
- If you haven't done so already, circulate the employer's last offer if it contains serious takeaways.
- Start strike averting actions that put external pressure on the employer. (Newspaper ads, demonstrations at board meetings, etc.)
- Start looking for a strike headquarters or trailer.

Within About Six Weeks Before a Strike Deadline

- Continue strike-averting actions with an emphasis on the impact of the strike on the services your members provide.
- Set up the Strike Committee and other strike related committees.
- Circulate information about CUPE strike benefits and about the benefits and services the local plans to offer to all members.
- Hold information sessions for members to:
 - Explain what is happening at the bargaining table.
 - Answer questions and recruit volunteers for strike related tasks.
 - Answer questions about CUPE Strike benefits to all members.
 - Answer questions about the services that the local plans to offer members facing financial or emotional stress during the strike.
- Select a strike headquarters.

- Order picket signs or vests.
- Develop a picketing strategy:
 - Guidelines for picket line operations.
 - Decide where the picket lines will be set up.
 - Determine the hours of picketing and the number of pickets required.
 - Work out alternative jobs for members who are unable or unwilling to picket.
 - Recruit and train picket line captains.
- Meet with other unions at your workplace to ask for an agreement not to do your member's work during a strike and to honour your picket lines.
- Publicize agreements or support from other unions.

Within About a Week of the Strike Deadline

- Continue actions to pressure the employer to avoid a strike by improving their offer.
- Give each picket captain a list of the members on their shift along with their phone numbers.
- Circulate picketing guidelines to all members.
- Open your strike headquarters or trailer.
- Hold meetings where members write slogans on "their" picket sign.
- Prepare a bulletin to give to anyone crossing the picket line.
- With your staff representative, negotiate a strike protocol with the employer.
- Inform the police about the strike deadline and meet with officer assigned to strike liaison.
- Meet with unions representing suppliers, postal workers etc. Tell them about the strike deadline and ask them to respect your picket line.
- Publicize any agreements or support from other unions.

Strike Deadline

- Issue a press release announcing the strike.
- Continue external actions with community partners and labour groups to keep the strike in the news.
- Invite other unions and supporters to join the picket line to start things off with a bang.
- Take lots of pictures of members picketing and post them on the locals web site.
- Meet with all picket captains after the first day's picketing to get feedback on how things went and what needs to be done to address members concerns and fears.

Strike

- Publish a strike bulletin at least once a week and give it to the picket captains to distribute. Include:
 - Any news about negotiations.
 - Information about any significant picket line incident.
 - Explanations of legal documents such as injunctions.

- Copies of media stories about the strike.
 - Letters of support from other unions or community groups.
 - Advise on dealing with banks or credit card debt etc.
 - The names and contact numbers of referral agents for members facing financial or emotional problems.
- Think of ways to keep picketing fresh by organizing:
 - Bring your family day.
 - Everyone wears red day.
 - Find ways to keep the strike in the news.
 - If you have a significant number of your members crossing the picket line, work out a plan with the picket captains for dealing with them.
 - Picket all meeting of the employer.
 - Organize regular social events for members and their families.
 - Organize educationals for strikers on anything from union tool courses like “Effective Stewarding” to personal growth workshops such as “Resolving Conflict”.
 - Meet at least once a week with picket captains to get feedback on moral, rumours, and problems with the police or scabs.
 - Deal with rumours as soon as you find out about them.
 - Deal with the liaison office if you have problems with the police.

2. Strike Averting

Introduction

One of the ironies of bargaining is that the best way to avoid a strike or concessions is to convince your employer that your members will walk out, if necessary.

Bluffing about your strength when bargaining breaks down is almost never a good idea. The worst possible situation is to face a strike deadline knowing that only half your members showed up for the strike vote and only a slim majority of them voted in favour of a strike.

To avoid this, local executives need to start building membership support for the union's main bargaining proposals early in the bargaining process.

Strike averting is any action that increases the union's chances of negotiating a decent settlement without having to walk out.

There are generally two forms of strike averting:

1. Actions that demonstrate members' support for the union's bargaining goals and demonstrate the members' willingness to walk out, if necessary, to achieve these goals.
2. Actions outside of the local aimed at putting pressure on the employer to improve their offer to the union.

I - Examples of Strike Averting Actions

Job Actions

Everyone wears red (or a CUPE Cap or T-shirt) on Monday to show support for the bargaining committee.

Everyone wears a button supporting a key bargaining demand (Example: "No Contracting out!" or "No Concessions").

Ask everyone to sign a petition or a postcard supporting the positions taken by the union.

Overtime Bans

Everyone refuses to volunteer for overtime.

Work to Rule

Members only do what is written in their job descriptions, take breaks as prescribed in the collective agreement, refuse to volunteer for overtime and leave exactly when their shift ends.

Press Releases

Press releases are used as part of a campaign to put external pressure on the employer to improve their offer to avoid a strike.

Examples include:

- A press release that the union voted 94% in favour of strike action.

- A press release listing the services that will be disrupted if the employer forces the union to take strike action.

Demonstrations

Getting your members and community allies to demonstrate will get your issues in the press and put pressure on the employer.

Examples include:

- Demonstrations at a City Council meeting to protest the city's proposal to contract out garbage collection.
- Demonstrations at school board meetings because the board refused to add anti-bullying language to the harassment clause.

Campaigns

Campaigns are actions with other unions, community groups or the users of the services your members provide aimed at pressuring your employer to improve their offer.

Campaigns include:

- Leafleting parents as they pick up their kids at school.
- Leafleting relatives when they visit clients in long term care facilities.
- Issuing a joint press release with community groups about how contracting out will wreck municipal services.
- Issuing a joint press release with student government about how a strike will disrupt studies.

II - When To Use Strike Averting

Some local's start involving their members in bargaining committee support as soon as bargaining begins.

All locals should start planning some form of strike averting when the negotiating committee senses that an acceptable settlement is not likely.

III - How to Get The Members Involved

Almost every form of strike averting requires the enthusiastic support of almost all your members.

Here are some things you can do to increase membership support for strike averting:

- Keep everyone informed about how bargaining is going. Post something on bulletin boards at the end of each bargaining session. Talk to your CUPE Representative about what to say.
- If other employers pay more or offer better benefits, circulate the information to the members.
- If negotiations are not going well, circulate the employer's last offer to the members.
- Pass on comments made at the table about the weakness of the local.

- Distribute information about bargaining to all members, not just those who show up at membership meetings. One way to do this is have bargaining committee members distribute coffee and timbits in a bag with a bargaining bulletin during breaks.
- Hold informal meetings to talk to as many members as possible about bargaining.

Remember that employers almost always find out what the union is doing.

Any sign of activity in opposition to the employer's bargaining position will be noticed. No activity will be taken to mean that the executive accepts the way that bargaining is going.

IV - Strike Averting Campaigns

CUPE national has put aside funds to help locals mount campaigns to help them win a just settlement without resorting to strike action.

Funding Application Process

The process for applying for strike support campaign funding is:

- Applications are prepared by a Communications Representative in consultation with the Local president and the CUPE National Representative
- Base the proposal on the information on the Strike Support Campaign Request form.
- Submit requests to the Director of the Communications Branch and the Regional Director. They will forward the request with their recommendation to the National Secretary-Treasurer, with a copy to the National President and the Division President

Authority for the approval of strike averting campaigns rests with the National Officers.

4. Strike Preparation

Introduction

This part of the handbook is about what you do once bargaining breaks down. Bargaining breaks down when neither side is prepared to make any more concessions.

At this point a government appointed conciliator is usually called in. The conciliator tries to restart the bargaining process. If the conciliator is not successful they issue a “No Board Report” which means that a strike or lockout can be called within a specified period. In many jurisdictions the employer can compel the local to put their last offer to a vote of the membership. The details of how this works varies from province to province. It is very important to check the labour legislation for your jurisdiction to understand what happens once a conciliator is called in.

I - How to Win a Strike

“Winning,” means:

- Ending up with a good settlement.
- That the strike is short.
- That the members return to work feeling good about what they achieved and about the union.

Note: While it is possible to settle at the last minute without having to walk out, the union must prepare for a long dispute.

There are no guaranteed ways of winning a strike. There are things that locals can do that will maximize their chances of having a short and successful strike:

Demonstrate that the Members are prepared to Strike

Unions need to have a strike headquarters, a system of picketing worksites, a way to access the CUPE strike fund to have a strike that is supported by the members and effective in putting pressure on the employer to get back to the bargaining table with a revised offer.

It is also important that the employer knows that the union is planning for an extended strike. As with demonstrating membership support, the knowledge that the union is serious about strike preparations means that the employer will know that they will need to improve their final offer if they want to avoid a strike.

Make Sure That Nobody Does Your Work During the Strike

If it is business as usual during a strike your employer has little reason to settle.

Almost every collective agreement has a scope clause that precludes other union members doing the work of your bargaining unit.

Just because the contract protects other workers when they refuse to do your work doesn't guarantee that they will refuse.

For this reason it is important to talk to the executives of every local in your workplace to make sure that they will agree to support you by informing their members of their rights and by encouraging them not to do your work.

You should also meet with groups such as parents who may be asked to “help out” during the strike. Ask them not to do your work and tell them that doing your work will only prolong the dispute and poison relations with the groups in the future.

You should also talk to anybody that may cross your picket lines about what you are planning and what they can do aside from not crossing to help shorten the time you will be on strike.

Continue Putting Public Pressure on the Employer

Private sector strikes cause economic hardship for both employers and workers. General Motors doesn't make much money when their workers go on strike. This is not the case when the library workers in Corner Brook or the social workers in Edmonton go on strike. Often public sector employers save money during a strike. This makes it tough to win public sector strikes unless the people who use our services start putting the heat on politicians to settle the strike.

This means meeting with community groups, school councils etc. before the strike is called to get your message out that services will be disrupted.

Your representative can help you plan a campaign to put pressure on your employer and you should start that planning as soon as it looks like you will have trouble negotiating a satisfactory settlement.

II - Strike Planning

It takes a lot of work to plan a successful strike. Starting to plan the day after you get a no board report is almost always a mistake.

Start by going through the items on the following list as soon as it looks like bargaining is going nowhere.

How you organize for a strike mostly depends on the size of your local, on how spread out is it and on how hard it will be to mobilize your members to support and take part in strike activities.

Here is a checklist of things to do before a strike begins:

- Organize Strike, Picketing, and Finance Committees.
- Find a strike headquarters.
- Recruit and train picket captains.
- Prepare picket signs and slogans.
- Decide where to picket, the hours of picketing and the number of pickets required.
- Develop guidelines for picket line operations.
- Negotiate a strike protocol with the employer and the police.
- Decide how you plan to deal with members who cross your picket line (scab).
- Arrange with other labour groups to join and support the picket line.
- Accommodate the physical needs of the picketers. (porta-potties, toilet paper).
- Consider alternative picket duties such as childcare, web-master, phone co-ordinator.

- Set up a communications system with picket captains and the members.
- Have all the forms completed to access the Strike Fund.
- Decide how much of the local's funds need to be set aside for strike related expenses such as a strike headquarters and how much can be set aside to supplement the CUPE Strike fund or to help members facing financial hardship.
- Have union counsellors available to assist strikers facing emotional and financial problems.
- Hold a pre-strike briefing conference with picket captains, stewards and all committee members.

III - Committees

Strikes take a great deal of organization:

- Picket lines have to be set up, picket captains have to be recruited, trained and supported and strike a headquarters has to be rented and furnished.
- Members have to be educated about their role and the times they will be on the picket line.
- A method of communicating with everyone needs to be set up.
- Members facing financial or emotional problems need to be supported if only to stop them from crossing the picket line or leaving to find another job.

How locals organize themselves to mostly depends on their size and their By-laws. Check your by-laws to see if any strike related committees are listed

What follows is a suggested list of committees to handle these and other strike related activities. You will need to adapt this information to the size and nature of your local.

Strike Committee

The Strike Committee is responsible for the direction and way the strike will be run.

Duties include:

- Coordinating all strike related activities.
- Working out a strategy for dealing with scabs.
- Dealing with emergencies on the picket line.
- Working out what to say to the members, other unions and the press.
- Develop actions to keep the strike in the news and put pressure on the employer to improve their offer.

For small locals, the strike committee is usually consists of the Executive, Picket Coordinator and the person responsible for strike finances.

Finance Committee

The Finance Committee is responsible for all financial matters associated with the strike including:

- Setting up financial controls and a bookkeeping system for all strike related income and expenses.
- Completing CUPE Strike fund applications and ongoing documentation.

- Administering and distributing strike pay.
- Budgeting and overseeing local union funds used for strike related activities.
- Collection of donations and strike appeals.
- Complete an audit at the conclusion of the strike.
- Counselling members in financial difficulty.

Picket Committee

This committee is responsible for the organization and support of the picket lines.

Duties include:

- Preparing duty rosters (who pickets where and when).
- Co-ordinates picket captains.
- Ensures picketing information gets to the picket captains.
- Liaises with law enforcement officers.
- Ensures the availability of all materials necessary on the picket lines including picket captain report forms, signs, etc.
- Organizes transportation where members have trouble doing picket duty because of the lack of public transport.
- Organizes and monitors alternative strike duties.
- Organizes and deploys flying squads of picketers.

Membership Assistance Committee

No strike fund is large enough to take care of all the needs of the strikers. Members with outstanding loans or mortgages may have trouble making payments.

The loss of a paycheque all adds to the stress of many strikers. Even members not facing financial hardship find long strike very stressful.

It is the responsibility of the Membership Assistance Committee (or the person responsible for membership assistance) to help members facing financial and emotional hardship during a strike.

Duties include:

- Work with picket captains to identify members facing financial or emotional hardship during the strike.
- Act as a referral agent for social agencies.
- Meet with the various credit and loan companies to negotiate a moratorium on payments. *(See the attached form letters that can be given to banks and finance companies on behalf of your members.)*

Sample letter from the local to banks, stores or finance companies

TO WHOM IT MAY CONCERN

Local _____ of the Canadian Union of Public Employees is currently out of the workplace on strike.

Members of Local _____ have made us aware of debts owed to your organization.

We request your patience in these matters should you be contacted by members of Local _____ about their debt payments.

If you have any questions please don't hesitate to contact _____ at _____.

Thank you for your attention to this problem.

Sincerely,

Sample letter from members to banks or companies

Dear Sir /Madam,

I am a member of local ----- of the Canadian Union of Public Employees. I am currently out on strike.

This letter is a request for your patience in receiving payments of my debt owed to your organization (*fill in the necessary information concerning your debt*) until our strike has been resolved.

If you have any questions please don't hesitate to contact me at _____.

Sincerely,

IV – Who Is Going To Do All The Work?

Amongst other things, a strike means finding:

- Picket captains
- People to help write, produce and distribute strike bulletins
- People to keep track of who qualifies for strike pay
- People to help find furniture for the strike headquarters etc.

The good news is that in almost every strike, members come forward to assume leadership roles for the first time. A high percentage of union activists became active because of a strike.

The bad news is that these new activists don't just fall from the sky. They have to be recruited, trained and supported.

To recruit the people you need to run the strike:

- Start early with information about the breakdown in bargaining. The Strike Averting section of this handbook has information about how to do this.
- Call for volunteers to deliver bargaining bulletins to every member. The people who come forward will be the easiest people to recruit for other jobs later.
- Ask for help in specific areas (Does anyone have some old couches or desk for the strike headquarters? Can you drop by after work to help write slogans on picket signs? Can anyone help us put together a web site? Can anyone distribute information about the strike at a meet the teacher night etc.)?
- Offer training. Your CUPE representative can help train picket captains and most other jobs.
- Recognize everyone's contributions. Be sure to mention who put the strike bulletin together, who spent an hour stapling picket signs to sticks and who bought the coffee that night etc.
- Keep everyone informed about anything that happens. Rumours start because members are left in the dark about what is going on. Members are starved for information during a strike. Pass on the tiniest bit of news.
- Offer training to everyone during a strike. You will never get as many people interested in taking a steward's workshop or almost anything else. You can make attendance part of what members have to do to qualify for strike pay or one of the alternatives to picket duty.
- Have a big party for everyone who played a formal role once the strike is settled. This is your best chance to recruit these new activists into ongoing positions in the local.

V - Strike Headquarters

A strike headquarters is usually a storefront or trailer. If you have a number of picket lines consider renting some small trailers. In any case you will also need to rent portable toilets at each picket line that is not very close to the strike headquarters

Here are some factors to consider in choosing a strike headquarters are:

Location

- As close to the main picket line as possible.
- Parking either on site or close by and free.
- Available 24/7.
- In a well travelled well lit area for safety reasons.
- Visible from a busy street so the public can see posters, picket signs etc.

Size

- A main room that is big enough for a large meetings plus a number of smaller rooms for offices. If this not possible, go for a big room and create cubicles for offices.

Facilities

- It must have at least one toilet.
- It should have a number of phone lines. If this is too costly consider using “pay as you go” cell phones.
- Accessible.

Timing

- Find a place as early as possible. It’s better to pay a month or two’s rent for a place that you don’t use than to go on strike without a suitable headquarters.
- Your employer will know that you are serious when they see your strike headquarters.

Furniture

- Chairs and tables for meetings.
- Desks for committee members.
- Coffee maker, a TV and CD player.
- Room dividers (if you don’t have separate rooms for offices).
- Desks, chairs, computers etc. for strike committee members.
- Some old couches for members who want to socialize.

Make up a list of the stuff you need and ask members for donations

If your local is big enough, establish a scrounging committee

Get the rest of it from charity shops or from other unions.

VI - Picketing

A picket line has two purposes:

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

As soon as a strike looks possible the strike committee should:

□ Appoint a Picket Coordinator

The Picket Co-ordinator is responsible for all aspects of picketing once the strike begins.

□ Decide on how many picket lines you need and what hours you will need to picket

No one should be able to go to your workplace without crossing a picket line.

If your workplace operates 24/7 you will need to picket 24/7.

This doesn't mean you will need the same number of pickets at 1 am as you do at 9 am or whenever shifts change.

Many unions have contract provisions that give their members the right to refuse to cross picket lines. Even one person with a picket sign is enough to stop most unionized truck drivers or building trades people from crossing your lines.

□ Recruit and Train Picket Captains

There should be one picket captain on duty at all times at every picket line.

Picket captains have the following duties:

- They are responsible for what happens on the picket line.
- They are the contact for the members assigned to their picketing shift.
- They are responsible for distributing information such as strike bulletins to the members picketing on their shift.
- They are responsible for ensuring that everyone that is supposed to picket shows up to picket.
- They liaise with the police and the media on their picket line.

Picket captains need to be trained.

Picket captains usually meet regularly to discuss how things are going, what's morale like on the picket line, and what information that should be distributed to members.

□ Meet With Other Unions

Meet with other unions at your workplace to see if they will respect your picket lines, work to rule or at least not do your work.

Remind them that they may be in the same position as you in the future and that help offered will be reciprocated when it is their turn to walk out.

Since there are always many overlapping issues such as benefits and pensions remind them that anything that you get will be much easier for them to negotiate in the future. Point this out to supervisors and managers as well.

Meet with the unions of suppliers. Stopping deliveries, waste removal, taxis, buses etc. will put a lot of pressure on your employer.

□ Meet With the Police

The police are interested in limiting picket line violence and in the disruption of traffic.

Meet with them once you have developed a plan for picketing. The police are much more likely to try and mediate picket line disputes rather than arresting picketers if you have met with them and tried to work out some ground rules.

Ground rules such as agreeing to have picket captains identify themselves to on duty officers and agree to have the police talk to picket captains before taking action against individual picketers.

Giving them your picket locations, names and mobile phone numbers of picket captains and picket schedules is a good way to build a rapport with the police.

It is also a good idea to discourage abusive talk aimed at the police. For the most part they are just doing their jobs.

Most police have quite a bit of discretion when it comes to things happening on a picket line. They are more likely to apply the letter of the law when picketers have been calling them pigs or worse than if picketers are friendly.

Some locals negotiate more formal protocols with the police outlining any thing that was agreed on.

□ Meet with the Employer

Once a strike date is set, most unions meet with their employer.

For the union the goals of the meeting are:

- An agreement to continue benefits during the strike.
- A method of handling disputes at the picket line before either party calls in the police.
- An agreement about the role (if any) of private security guards or managers acting as picket line “monitors”.
- Agreement that managers or members of other unions will not do the work of the striking members

The employer will usually ask for:

- The names and mobile phone numbers of picket captains.
- The locations of picket lines and the maximum number of pickets on the line at any one time.
- Some agreement about who can cross the picket lines.

Avoid talking about the issues that lead to the strike. It's way too late for that.

This meeting is about how the strike will be conducted.

Don't give anything away. Only agree to anything that makes the strike less painful for the employer if you get something that makes the strike less painful for the members.

Get anything you agree to in writing.

VII - How to Picket

In order to run effective picket lines, it is important that all members be thoroughly familiar with the following instructions:

- Report to your Picket Line Captain prior to the start and at the completion of your picket duty.
- Picket signs are to be worn or carried while on duty.
- Nothing is to be consumed that will impair your ability to carry out effectively your picket line duties.
- Patrol the assigned area and refrain from loitering.
- Any person attempting to cross the picket line must be informed of the strike and politely requested to respect the picket line.
- Picketers are not to engage in an argument or debate concerning the strike. Problems should be referred immediately to the Picket Captain.
- Should a person insist on crossing the picket line, do not restrain them but do try to secure their name, address, firm represented and the license number of the vehicle. This information must be given to your Picket Captain.
- Do not obstruct the general public using the sidewalks or roadways in front of the picket line.
- 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.
- If approached by the media **do not speak to them**, refer them to the Picket Captain. Any questions are to be referred to your Picket Captain.

It is important that every member has a copy of this list.

Most locals develop a Picket Captains' Handbook with information like this, copies of the strike protocols with the police and employer, copies of the appropriate sections of the labour code, contact numbers etc.

It is important that everyone who pickets understand the rules and the reason the rules are in place.

VIII - Frequently Asked Questions About Picketing

Will I be punished for my role during the strike?

Management cannot discipline members for supporting their union. Your local will support you in addressing any action taken by management or security.

How many picketers do we need on each picket line?

It depends on the location and intensity of what is happening at the work location. For example, some buildings might close during a strike and need only a small presence to monitor activity. Other lines might have vehicles attempting to cross the line, and need more picketers. Decisions on numbers will be made ahead of the strike deadline, but the local will also need to be flexible to maintain their ability to disrupt the Employer's operation.

Are we actually having any effect on the bargaining process with this strike?

A strong presence on the picket line sends a clear message to the Employer that the local has strong support from its membership. As the saying goes, "the longer the line, the shorter the strike."

How long can I hold up traffic?

Vehicles can be delayed at a picket line so that picketers can inform the occupants of the issues involved in the job action. The length of time may be negotiated between the strike committee, the police and management. Check with your picket captain for details.

Can I stop people from walking into the workplace?

Picket Captains may negotiate protocols that will delay pedestrians at a picket line, inform the people of the issues; ask them to respect the picket line.

What should be done when the police come?

Only the picket captain should talk to the police. It's better to have a witness if possible and feasible.

Be polite and answer any questions.

Remember that the protocol is negotiated between the picket captain and management.

Record all visits by police and any concerns to the Picket Coordinator and/or on a picket line incident form.

Can we stand on the Employer's property?

In certain circumstances, the Picket Captain may negotiate with management where picket lines will be placed.

Do I have to obey the security guards and management monitors?

The picket line belongs to the union. Picketers take their direction from the Picket Captain. Security reports to management and takes direction from management. Security guards and management may attempt to give directions but they have no authority on the union's picket line.

Are we allowed to have fires on the picket line?

Yes, and locations for fire barrels should be set before the line begins. Report any problems to the Picket Coordinator. The Fire Department may check out the position of fire barrels on a line. Fire barrels can also be used as a barbeques – make sure you burn clean wood!! Wood that is painted or treated can release toxic fumes when burned.

Is there a limit to the noise that we can make?

Picket lines should be noisy. However, they are covered by municipal by-laws. Noise by-laws would apply to a picket line, for example early morning and late night pickets in residential areas.

What if a picketer is under the influence of drugs or alcohol?

Nothing is to be consumed that will impair your ability to effectively carry out your picket line duties. Picketers who are under the influence will be asked to leave the picket line.

Who do I contact in the event of problems on the picket line?

Talk to your Picket Captain, the Picket Coordinator and a member of the Strike Team. There should be a cell phone on each picket line for emergencies.

What do we do about scabs?

Scabs need to be identified, preferably by photograph. Photos along with names and departments will be posted on our web site and in daily picket line bulletins. Charges can be laid against scabs under the trial procedure of the National Union.

Can we take pictures of events on the picket line?

Yes, take pictures and videos of security, managers and scab activity. Don't forget that you can also take pictures of solidarity, great picket signs, etc. Pass them on to the Strike Committee for posting on our web site.

IX - Communications

You will have almost all your members' undivided attention on the once a strike vote is called.

Once the strike vote has been taken you will need to recruit and train a number of picket captains as well as a large number of other members it sit on various committees. You will also need to keep members informed about almost anything that happens in connection with the strike.

There is a real thirst for almost any information and without something coming from the strike committee almost every day rumours can start about secret deals, sell outs or people drifting back to work.

What to communicate to members:

- News about resumption of bargaining.
- News about any picket line incident.
- News about any donation or any form of support
- News about anything said about the strike in the media.
- Answers to common questions about the strike (What happens to my benefits, when does strike pay start, what happens when we go back to work etc.)
- News about any training offered during the strike.
- News of social events.
- Recognition to anyone who has done anything to help out.
- Responses to anything sent to your members by the employer.

How to get the information out:

Strike Bulletin

A regular bulletin that is distributed by the Picket Captain to everyone picketing.

Web Site

Same information as a strike bulletin, plus a chance for people to write in with questions.

Phone Trees

Each strike captain should have everyone on his or her shift's phone number.

If anything comes up the strike committee can ask picket captains to get the message out very quickly.

Phone trees are good for late breaking news (We Settled! mass picket tomorrow morning etc.)

Text Messages

Since everyone with a role in the strike should have a cell phone and since there should be a list of all mobile numbers, it is easy to send short text messages to a large number of people quickly. Everyone will get the message as soon as they turn their phones on.

Text short, emergency type messages. "Emergency picket captains meeting" "Story about the strike on channel 6 evening news etc."

Note that text messages usually cost 10 or 15 cents each.

Bulletin Boards at Strike Headquarters

Useful for announcements and lists of upcoming events.

Informal Meetings

The strike committee can hold regular meetings with the members to discuss strategy and listen to whatever those present want to discuss.

Educational

You will never get as many members interested in taking a Stewarding, Health and Safety or Assertiveness workshop as during a strike.

For a more detailed look at local union communication get a copy of Communicating CUPE from your CUPE Representative. Contact your Education Representatives for ideas of workshops that could be organized for your members during the strike.

X - Support of Family and Friends

Strikes can be won or lost depending on the support received from families and friends. There are individuals and groups within the community who will not hesitate to undermine the relationship of the strikers with their spouses, neighbours and family members. This is usually done on the radio talk shows, letters to the editor and in the children's classrooms at school. Some community groups or service clubs get involved by passing resolutions asking the government to legislate an end to the strike.

Because of these union busting and strikebreaking tactics, a determined effort should be made by the Strike Committee to ensure that the strikers' families and friends are informed of the issues concerning the strike. Often, our families and friends can be used to offset some of the anti-union and strikebreaking tactics employed during the strike. This may be accomplished by their participation on the picket line, lobbying of politicians, letters to the editor, providing day-care services for the strikers, planning a morale-boosting social event, phone calls to talk shows and speaking to community groups and to students.

5. Strike Benefits

Introduction

This section is about money.

Money from CUPE's strike fund, money for strike averting and strike support campaigns and money to supplement CUPE strike pay.

It is also about informing your members about CUPE Strike benefits in the run up to the strike deadline.

I - FAQ - CUPE Strike Pay

Here are some answers to the most common questions about the CUPE Strike Fund. Use this information as the basis for articles in your bargaining bulletin, Web site, bulleting board postings etc, so that all your members know what they can expect in the event of a strike.

How much do I get paid?

- \$40 daily, to a maximum of \$200 weekly (counting weekends and holidays).
- Strike pay is tax-free.

For example:

- A 9-day strike pays \$0.00 from the National Strike Fund because you start getting paid on the 10th day.
- An 11-day strike pays \$80.00 because you get paid \$40.00 a day, starting and including the 10th and 11th days of the strike.
- A 14-day strike pays \$200.00 because you get paid \$40.00 a day times 5 days, starting with and including the 10th day.
- A 16-day strike also pays \$200.00 because you get paid \$40.00 a day times 7 days but with a \$200.00-a-week maximum, starting the 10th day.

What happens to my regular pay?

- You will not be paid by your employer while you are on strike. If your strike lasts more than ten days, you will be eligible for strike pay from the CUPE National Strike Fund.

What am I supposed to do during a strike?

- During a strike you would normally be expected to stop all normal work duties and instead participate in the strike. Strike duties include a minimum number of hours set out by your local in accordance with the CUPE National Strike Fund Regulations. However, you may be encouraged to volunteer for additional hours in order to wage a successful strike. More bodies and longer pickets mean a shorter strike.

What about my medical and life insurance payments?

- If your premiums are not prepaid and you are a member in good standing, CUPE will pay your group life and group medical insurance premiums during the entire strike.
- If your employer refuses to pay their share of your group insurance and endangers any health or medical coverage, CUPE will cover the difference.

How do I get paid?

- You must apply for strike pay by registering your picket duty hours and/or other duties in the Picket Captain's Daily Report (National Strike Fund Form F). If you do not work CUPE will dock one day's benefit for each day you're absent without good reason.

Am I eligible to get paid?

You will get paid as long as you are a member who is not:

- Unemployed or on layoff unrelated to the strike before the strike begins
- Drawing sick, accidental and/or workers' compensation benefits (strike pay will resume should you stop receiving those benefits).
- Owing fees, dues, fines, assessments or any other debt to the local – if you wait until just before a strike to pay any of these it will cost you one week's strike pay.
- Employed in any way that stops you from performing your strike duties.
- Failing to perform assigned strike duties.

I have vacation scheduled. Will I get paid?

- Vacations scheduled before a strike begins and which fall during a strike, may or maynot be paid.

What happens if I'm on maternity leave?

- Members currently on maternity or parental leave or who have scheduled the start of their leave before a strike starts are entitled to receive maternity and/or parental benefits.

Who will pay me?

- CUPE sends the strike pay to the union. The local then issues cheques to every member eligible for strike pay.

II - Local Union Strike Fund

Many locals have thousands of dollars in their bank accounts that are surplus to their ongoing operation.

If there ever is a time to put this surplus money to use it is during a strike.

Locals facing a strike that have surplus funds should consider:

- Putting money aside for strike related expenses such as a strike headquarters, newspaper ads; book offs for strike related training etc.
- Paying strike pay for the first 10 days of a strike (until the CUPE strike fund kicks in.)
- Putting money aside for members facing financial hardship such as the repossession of their house or car.
- Supplementing everyone's strike pay.

Workers join unions because they can change things at work not because they have hundreds of thousands of dollars in the bank.

The main excuse given by members who scab during a strike is that they can't afford to go on strike. Being able to say that the local has set aside funds to make sure that no one will suffer undue hardship as a result of a strike is the best way to stop members from scabbing.

And having a motion at a membership meeting to put aside a considerable amount of money for strike support is another way of telling your employer the union is serious about striking if they don't get a better offer.

III - National Strike Fund Forms

Locals must complete a number of forms to receive strike pay from CUPE.

These forms are available from your CUPE Representative or from the CUPE Web Site: (<http://cupe.ca/nationalstrikefund/natstrikefundsforms>)

Here is a list of the forms that locals and a brief explanation about who does what:

Form A: Notice Of Strike Mandate

- Completed by the Representative immediately after the strike vote has been taken.
- Co-signed by the President of the local union.
- Form A must be completed to meet the requirements of Article 3.4 and forwarded to the National Secretary-Treasurer along with the Representative's report required under Article 3.2.

Form B: Notification Of Strike Commencement

- Completed by the Representative immediately after the strike commences and forwarded to the National Secretary-Treasurer.

Form C: Strike Pay Estimate – First Week

- Must be completed in full and forwarded to the National Secretary-Treasurer on the 10th day of strike.
- Form C will generate an advance sufficient to cover the first week's strike pay from the National Strike Fund.
- Both the Chairperson of the Strike Benefits Committee and the Representative must sign it.

Form D: Strike Fund Report No.

- Complete 7 days following the submission of Form C and every subsequent 7-day period, or fraction thereof if the strike is terminated.
- Forward to the National Secretary-Treasurer's office each week.
- These forms are to be numbered consecutively and will generate sufficient funds to replace the strike pay paid out during the previous 7-day period.
- Both the Chairperson of the Strike Benefits Committee and the Representative must sign form D.

NOTE: Forms E, F and G are to be kept in the possession of the Chairperson of the Strike Benefits Committee and forwarded along with Form J to the National Secretary-Treasurer upon termination of the strike.

Form E: Strike Pay Application

- Must be completed and signed by each striking member and submitted to the Chairperson of the Strike Benefits Committee.

Form F: Picket Captain's / Education Chairperson's Daily Report

- Prepared daily by all picket captains and education chairpersons.
- This form will enable the Strike Benefits Committee to prepare Form G

Form G: Strike Duty Report And Cheque Distribution

- Provides a record of payments issued to striking members, as well as signatures certifying cheques were received.
- A Form G must be kept for each 7-day period for which National Strike Fund benefits are received.

Form H: Strike Terminated (Or Averted)

- Must be completed by the Representative immediately after the members vote to return to work, and forwarded to the National Secretary-Treasurer.
- Upon receipt of Form H and any overpayment of National Strike Fund monies, dispensation of per capita tax requested in accordance with the CUPE Constitution will be granted.

Form J: Final Report Of Strike

- Must be completed to give a clear financial report of the local's finances during the full period of the strike.
- Form J must be completed by the local union trustees, verified and signed by the Representative, and forwarded to the National Secretary-Treasurer along with Forms E, F and G within 10 weeks of the conclusion of the strike.

6. When The Strike Ends

Here is a brief checklist of things to do when the strike ends.

- Get the word out as soon as you settle. Use the picket captains to make sure that everyone hears about the settlement as soon as possible.
- Inform members about the “Back to Work Protocol”. The protocol (which is usually negotiated before the memorandum of agreement is signed) specifies:
 - When members will return to work,
 - That there will be no reprisals against any members for strike related activities
 - The timing of ratifications votes for both the union and the employer.
- Get a summary of the settlement out to the members as soon as possible. Don’t just circulate the memorandum of settlement; explain how the union’s bargaining priorities are reflected in the settlement. Announce the date and time of the ratification meeting.
- Be honest about the bargaining goals that were not achieved. Make sure that every member gets a copy within a day or two of the signing of the memorandum. Include a phone number for anyone who has questions about the settlement.
- Have a victory celebration. Have a party and invite everyone who took part in the strike. Thank everyone who played a leadership role (such as the picket captains). Tell everyone that there wouldn’t be a settlement if they hadn’t been for membership support and solidarity etc.
- Hold informal meetings to explain the settlement. Members need to know what was achieved and what wasn’t. They need to know why you did what you did at the bargaining table. They also need to know that the only way improve on the memorandum is by continuing the strike.
- Don’t take criticism of the settlement personally. Unions are democracies. Tell people who are dissatisfied to vote against the settlement if they think a better deal is possible. Explain that in order to negotiate further improvements, the strike would have to continue.
- Talk to your staff representative about how to conduct a ratification vote.

7. Glossary

Labour and Community Solidarity

CUPE Division

- A Division of CUPE is the Provincial Coordinating body of CUPE. The Division meets yearly at convention, and holds conferences throughout the year.

CUPE National

- All CUPE Locals are automatically members of CUPE National. A percentage of dues paid to the National supports the National Representatives who help the Local in processing grievances and bargaining. Our dues also go into the CUPE National Defence Fund, from which we pay strike pay to those members who qualify.

Labour Council

- The Labour Council represents all unionized workers in your area including Steelworkers, Canadian Autoworkers, OPSEU members, etc. The Labour Council provides organizational assistance to locals on strike or locked out. The Labour Council carries out the action plans of the **Federation of Labour** and the **Canadian Labour Congress** in the local community.

Community Allies

- In order to protect public services, CUPE works with many community allies. Strong community partnerships build strong community labour solidarity.

Bargaining Terms

Arbitration

- Referring the matters in dispute to an outside party (the Arbitrator) who determines what the settlement will be. Where strikes are illegal (in hospitals and homes for the aged) it can be the final step in the bargaining process. There is no ratification vote on an arbitrated settlement.

Collective Bargaining

- Method of determining wages, hours and other conditions of employment through direct negotiations between the union and employer. The result of collective bargaining is a written contract, which covers all employees in the bargaining unit.

Conciliation

- Conciliation is the process of non-binding, third party intervention designed to assist the union and the employer in the resolution of differences in negotiations, so that they can arrive at a collective agreement. Usually, when talks reach an impasse one of the parties requests that the Labour Board appoint a **conciliation**

officer to help reach a settlement. In some cases though, the employer or the union applies for conciliation as a method to speed up the process or to facilitate a potential strike or lockout deadline.

Conciliation Officer (Conciliator)

- A Conciliation Officer is that person appointed by the Ministry of Labour to lead the process of conciliation.

Final Offer

- A final offer is the most recent offer from the employer. The negotiating committee may put the offer to the membership with a recommendation to either ratify or reject it. Membership rejection may move the local closer to a strike, or put the local on strike if a strike vote has already been taken.

Labour Relations Board

- The Labour Relations Board of the Provincial Government administers labour law, including the certification of trade unions as bargaining agents, investigation of unfair labour practices, appointment of conciliation and mediation officers and the issuance of 'No Board' reports at the break-down of conciliation.

Mediation

- Mediation is a process by which a mediation officer appointed by the Labour Board attempts to assist labour and management in reaching a voluntary resolution of a labour dispute, including the negotiation of a collective agreement. Mediation takes place after conciliation has broken down, and a No Board report has been requested. Mediation usually takes place immediately prior to a strike or lockout deadline.

Mediation Officer (Mediator)

- A Mediation Officer is that person appointed by the Ministry of Labour to lead the process of mediation.

No Board Report

- A No Board report is the result of a process whereby a conciliation officer advises the Minister of Labour that s/he has been unable to effect a settlement between the parties. Following this request, the Minister notifies the employer and the union that s/he does not consider it advisable to appoint a conciliation board. Seventeen days after the No Board report is released, the union will be in a legal strike position, and the employer in a legal position to **lockout** the union.

Ratification Vote

- A vote is held at a special membership meeting to accept the settlement brought forward by the negotiating committee.
- If the majority of members in a bargaining unit vote in favour, the memorandum of settlement has been ratified. If the majority vote no, the memorandum of

settlement is rejected, and the negotiating committee must return to the negotiating table.

- If the local has been on strike, the strike will continue. There is no ratification vote on an arbitrated settlement.

Strike/Lockout Terms

Accommodation

- Local members, who cannot picket because of a disability, will be accommodated with suitable work on comparable shifts to those members on the picket line.

Boycott

- A boycott is the refusal to do business with, or to purchase, handle or use the products of an employer in order to obtain concessions or to protest against certain acts or practices.

Flying Squads

- Local members may be assigned to the 'flying squad', which is a mobile and flexible picket line. Members of the flying squad will move to where they are most needed at any given time. When the local is not on strike or locked out, the flying squad organizes support for other locals and community organizations when called upon.

Injunction

- An injunction is a formal order from either the Labour Relations Board or a court which may limit picket line activity including, the number of picketers on a line and the delay times of people/vehicles crossing the line.

Lockout

- A lockout is a labour dispute in which management refuses to allow employees to work or it closes its establishment in order to force a settlement on its terms.

Picket Captain

- The Picket Captain is the representative of the union on the picket line. The Captain is the liaison with the picket line monitor, police and security guards on the picket line. The captain is also responsible for maintaining morale on the line and reporting any incidents. The Captain works collectively with the picketers to effectively disrupt the activities of the employer at the particular work location.

Picket Line Incident Form

- This form is completed by the picket captain and forwarded to the Strike Headquarters for follow up.

Incidents to be reported include:

- Accidents or injuries to anyone coming into contact with the picket line.
- Intervention by police, security or picket line monitors.

- Aggressive or violent behaviour of anyone coming into contact with the picket line, etc.

Picket Line Monitor (PLM)

- The Picket Line Monitor is the representative of management on the picket line. The Monitor has no authority to give direction to picketers. The picket line belongs to the union.

Protocol

- A protocol is an agreement between the union and management, which governs rules on a picket line, or at a picket location. The following may form part of a protocol agreement:
 - Delay times.
 - Where picket lines will be established.
 - Which entrances will be open, and which closed.
 - Where picketers can park.
- There are both formally negotiated protocols between the employer and the union, and informal protocols between a picket captain and a picket line monitor at a particular picket location.

Scab

- A scab is a worker who fails to respect the Local Union's picket line and the democratic decision made by the membership through the strike vote. A scab is a worker who engages in any strikebreaking activity or works for the employer during a legal labour dispute.

Scab Report

- A report completed by the Picket Captain that identifies any local union member engaging in scabbing activity. The report is forwarded, with pictures if possible, to the Strike Headquarters for appropriate action.

Secondary Picketing

- Supreme Court decision (Jan. 2002) ruled that 'secondary picketing is generally lawful.' This decision overturned previous decisions that ruled that an 'employers right to trade must always prevail over the right of striking employees.' It is therefore now legal to picket at locations other than the primary work location of the employer of the union that is on strike. The case stemmed from the union representing Pepsi workers, who, in addition to picketing at the plant, picketed also at a hotel where Pepsi managers were holding a meeting and at retail outlets that stocked Pepsi products.

Security Guard

- Security Guards are hired by the Employer to 'protect their interests.' They have no vested interest in a contract settlement; their companies financially benefit

from a prolonged dispute. Guards are trained to intimidate and provoke strikers. Guards have no authority to give direction to picketers. It is important to make picketers aware of security guards' tactics and motivation.

Strike

- A strike is a concerted refusal, cessation or slow down of work or other concerted activity by employees that is designed to restrict or limit output of the employer.

Strike Averting

- The term used to describe the work done in the local by the negotiating committee, the strike committee and the executive board to build support for the bargaining process up to the strike deadline.

Strike Benefit Application

- Members in good standing who do picket duty and are used to processing strike pay must fill out this form. The form must include the member's employee number in order to be processed. All forms must be legible and signed by the Picket Captain.

Strike Deadline

- A local union is in a legal strike position seventeen days after a No Board report is released. Midnight on the eighteenth day is the 'strike deadline.'

Strike Vote

- To support bargaining demands, the bargaining committee will call for its members to give them a 'strike mandate.'
- Members will be informed of the time and place of the strike vote meeting. At the meeting they will hear about what the Employer is demanding in terms of concessions and the demands of the union that the Employer is refusing to grant.
- Each member will then vote, by secret ballot, as to whether they are in favour of the negotiating committee taking strike action if negotiations break down. If given a strong strike mandate, the union's bargaining committee will return to the bargaining table with the strength of the membership behind them. The stronger the strike mandate, the better the possibility of a strong negotiated collective agreement.