

Treasury Board Strike Votes: Frequently Asked Questions

February 27, 2020

About strike votes

When and where exactly will strike votes be held?

We are in the process of finalizing logistics around all strike votes and will provide you with the full schedule for voting sessions in the coming days, well ahead of time.

Each voting session will also include an information session where all questions can be addressed.

What constitutes a successful strike vote?

A successful strike vote means that a simple majority (50% + 1) of members in your bargaining unit who cast a ballot voted in favour of strike action.

Will we have strike preparation courses? If so, when and where?

PSAC is committed to ensuring members are informed about and prepared for a possible strike. Strike preparation courses have already started rolling out in workplaces across the country and will be ramped up in early 2020. Your local union and regional office will be in touch with information about strike preparation courses being planned near you.

When would we actually go on strike?

A successful strike vote does not necessarily mean we will automatically go on strike.

Treasury Board won't budge unless we apply organized pressure. That's why PSAC National President Chris Aylward has authorized a strike vote.

A strike mandate will give the PSAC bargaining teams the leverage they need because the Trudeau government will want to avoid a labour disruption. The

government is already in turmoil—they can't risk even more disruption while they're in a minority government situation.

A strong strike mandate is the best way to reach a settlement quickly, and without having to take strike action.

What is “strike action” and how long would a strike last?

If members vote for a strike and PSAC is still unable to reach an agreement with the employer at the bargaining table, the PSAC National President can authorize a strike. A strike can involve a range of actions—for example, targeted activities in specific workplaces or a full walking off the job at sites across the country. PSAC's leadership will develop a plan and determine when, where and for how long strike actions will happen.

Pay during a strike

Will the employer stop my pay during a strike?

According to current Treasury Board policy, pay should not be interrupted for striking employees. Instead they would recover the pay from employees after the strike. This was true for a recent strike by PSAC members working for the National Battlefields Commission at the Plains of Abraham. The employer however could change this policy at any time.

PSAC would of course address how this is done in the 'return to work' protocol that is always negotiated as part of the settlement when it is achieved.

Will I receive strike pay?

Strike pay for both regular and strategic strikes are governed by Regulation 6 in PSAC's Constitution. Members are expected to provide a minimum of four hours of work per day in support of the strike to qualify for strike pay.

Members who usually work 20 hours or more each week will receive the strike pay below. \$75 per day. Weekly rate is \$375.00

PSAC members who usually work less than 20 hours per week will receive the strike pay in the amount of \$53.00 daily for a weekly total of \$265.00.

In the case of a 'strategic strike'—that is, a targeted strike involving no more than 10% of the bargaining unit and lasting no longer than two weeks—strike pay will be 60% of a member's gross salary.

Some PSAC locals may choose to top-up members' strike pay.

Is strike pay taxable?

Strike pay is non-taxable.

I'm afraid of being Phoenixed if I go on strike. How can I be sure my pay won't be interrupted?

The best way to make sure we aren't forced to strike is to make sure we are prepared for one and get a strong strike mandate, so the employer understands we're ready to fight for what we deserve.

Some members have concerns that a strike action will generate Phoenix pay problems when we go back to work.

You can be sure the employer has the same worries – times ten! That's why we are confident Treasury Board will move to a settlement if PSAC members give the bargaining teams a strong strike mandate. The employer can't risk adding to the backlog of Phoenix cases and that's why we have more leverage than ever.

But in the event we do go on strike, and there are Phoenix issues on return to work, remember PSAC has already negotiated emergency and priority pay for anyone with pay issues. Nobody can be forced to go without pay.

What if I can't afford to go on strike?

If the government chooses to change its policy and stop pay during a strike, don't worry, your union has a lot of support systems in place to make sure you never go without pay while you're on strike.

During a general strike, every member will receive strike pay of a minimum of \$75 per day full time members \$53 part-time members.

You can also apply for PSAC's Hardship Fund if you run into a difficult financial situation during a strike or lockout. The fund offers emergency financial assistance to workers in financial distress. A Hardship Fund is run by committees in each region that handle requests for assistance.

Lastly, because of the strong impact any strike action by our members would have on the federal government, a strike is unlikely to last long.

Dental and other group benefit plans

Will I have access to dental and other benefits coverage when on strike?

Yes. Based on current employer policy, employees on strike will continue to receive coverage under the Public Service Group Benefit Plans. However, Treasury Board is entitled to change this approach.

Leave

Can my already approved leave be cancelled once strike action is called?

The employer may choose to cancel your leave even if it has already been approved, because during a strike no collective agreement is in force.

What if I am already on leave when strike action begins?

Based on the employer's current policy, employees in the striking bargaining unit who are on leave when the strike begins may be allowed to continue on leave, but additional leave is not likely to be approved.

What about sick leave and "other leave with or without pay"

Employees in the striking bargaining unit who are on sick leave or "other leave with or without pay" before the start of the strike should be permitted to continue on leave, subject to continuing satisfactory proof that they meet the conditions for the granting of the leave.

If my bargaining unit is on strike and I am presently on maternity and/or parental leave, am I still entitled to this leave? What happens to my top-up?

Your entitlement to maternity or parental leave is established by legislation and therefore continues during the period of a strike. Your

entitlement to the salary top-up is established under the collective agreement and during the period of a strike, no collective agreement is in existence. The employer could therefore choose not to pay the top-up, however the employer's own policy states that employees on "other leave with or without pay" prior to the start of the strike should be permitted to continue on leave.

DI (Disability Insurance) or WCB (Workers' Compensation Board)

What happens if I am receiving Disability Insurance before strike action was called?

The employer's manual stipulates that members of any bargaining unit on strike who are on sick leave or any other paid or non-paid leave, before the beginning of a strike, should be authorized to take their leave, but must keep on providing justification for their leave.

Pension Entitlements

Periods while a member participates in a work stoppage (strike) may not count as pensionable service. Also, the periods participating in a work stoppage (strike) cannot be "bought back". However, these periods are not considered as "breaks" in pensionable service for purposes of calculating a member's "highest five consecutive years of highest paid service".

The impact on the future pension for a member who participates in a work stoppage (strike) is to push back - by the number of days on strike - the date on which he or she completes the required years of service to qualify for a pension.

There will be no impact on the average salary on which the pension will be calculated for members whose days on strike do not fall within their five consecutive years of highest salary.

Average salary for pension benefit purposes is always based on the member's best five consecutive years of highest paid salary. Any salary lost due to a strike during the final average salary period is accounted for by extending back in time the average salary period so that five years of paid earnings are used in the calculation. For example, if a member had been on strike for 10 days during the relevant period, average salary would be based on earnings paid during the best consecutive five years and 10 days of employment. It should be noted that average salary is based on five consecutive years of pensionable service, rather than on five continuous years of service.

When contemplating retirement, members should be encouraged to obtain a copy of their exact record of pensionable service before making a decision on their retirement date, to ensure that they have the required service for the pension option on which they are counting.

Acting positions

Do those in acting positions outside the bargaining unit return to their substantive position during a strike?

No. You will continue in your acting position during the strike unless the employer decides otherwise.

If my substantive position is one bargaining unit (eg: PA group) but I am presently in an acting position in another bargaining unit (eg: TC) do I vote in the PA unit strike vote (my substantive position) or the TC unit strike vote (my acting position)?

You are required to vote with the bargaining unit in which your acting position is included, not the bargaining unit of your substantive position.

If my substantive position is in one bargaining unit (eg: PA group) but I am presently in an acting position in another bargaining unit (eg: TC)

and strike action is requested for members of the TC group what do I do?

You are considered to be part of the bargaining unit in which you are acting (in this case TC.) Therefore, you would be required to follow the instructions given to the members of the bargaining unit in which you are acting (i.e. TC.)

Essential employees - pay 25% to union

What does it mean to be an essential employee?

An essential employee is one who occupies a position that has been designated as providing an “essential service.”

Employees identified as occupying essential positions are prohibited from participating in any strike. Occupying an essential position means you cannot stop work and engage in the strike, but you remain able to support your co-workers before and after work, and during lunch breaks by joining them on the picket line.

What should essential employees do when faced with a picket line?

Employees occupying essential positions will be provided with a letter by the employer notifying them of their essential status. They should carry that notice letter with them when reporting for work. They will be asked to show this form to a picket captain when arriving at a picket line.

You may join the picket line up until it is time to go in to work.

What should I NOT do when there is a strike of my bargaining unit?

Since you are occupying an essential position, you cannot legally withdraw your services from work. But you should not perform any of the work ordinarily performed by the people who are on the picket line.

Seasonal workers

As a seasonal worker, will being on strike affect my eligibility to collect employment insurance?

Local and regional strike coordinating committees will pay special attention to this issue. All efforts will be taken to ensure that seasonal workers' participation in any strike action is managed in such a way that it does not jeopardize their employment insurance eligibility.

Teleworkers

Can teleworkers strike?

Yes. Continuing to telework is considered crossing the picket line and is a violation of section 25(6)(n) of the PSAC Constitution. Members in this situation should join the picket line at the local they would normally work.

If they normally telework because of an inability to travel to their worksite, they may reach an alternative agreement with their local union to support the strike without having to travel to their worksite.

Term employees

Can term employees strike?

If a term employee's term is for a period greater than 3 months, or they have been working on consecutive term appointments for longer than three months, then the answer is yes. Not only can they strike, they should do so if a strike is declared.

Term employees for 3 months or more ARE covered by the collective agreement and are union members.

Language training

Employees on language training when a strike begins may remain on language training if they wish. Employees scheduled to commence language training should be permitted to proceed as planned.

Types of strike action

General strike

A PSAC general strike is a cessation of work by all PSAC members in a bargaining unit. (General strike pay provisions apply.)

Rotating strike

A rotating strike is a series of surprise, up to day-long work stoppages of all bargaining unit members at various strategic geographic locations. (i.e.- Ontario members on Monday, Quebec members on Tuesday, etc.) (General strike pay provisions apply.)

A strategic strike

A strategic strike is a work stoppage by a limited numbers of members of a bargaining unit at a limited number of locations. The strategic strike includes up to 10% of the members of a bargaining unit. Strategic strikes are designed to have the greatest impact on the employer's operation. Strategic strikes are approved by the leadership of the union based on strategic plans of action.(Strategic strike pay provisions apply.)