

TEACHER ADVISOR

WHAT HAPPENS TO STRIKEBREAKERS?

If faced with strike action, members must understand their obligations – and what happens if they evade them.

By Joe Pece



OECTA members provided their union with a strike mandate of 94.2% during a province-wide strike vote at the end of April. Ideally, this strong mandate will provide the leverage our Provincial Bargaining Team requires at the central bargaining table. However, the employer side of the table, has not always taken the collective resolve of our membership seriously. This means at some point we may have to take some form of strike action.

OECTA's activities are guided by the approximately 50,000 members of the Association who are represented by more than 600 voting delegates at OECTA's Annual General Meeting. At the AGM, amendments can be made to the constitution, by-laws, policies and procedures contained in the OECTA Handbook. The changes that are made each year, like the April strike vote, are democratically enacted by majority rule.

Violations of a work-to-rule, or crossing a picket line when there is a full withdrawal of services, is called strikebreaking. OECTA policies (as contained in the 2014-15 Handbook) outline the following definitions of strikebreakers:

- 3.52 That during a strike, all members of the bargaining unit(s) on strike join in the strike approved by the majority or be subject to a complaint under 4.136 to 4.151 for failing to do so.
- 3.53 That during a strike, no member participate in banned activities as

determined by the bargaining unit executive(s).

- 3.54 That a member participating in a banned activity be subject to a complaint under 4.136 to 4.151.
- 3.55 That upon receiving a report of one or more members not participating in legal strike actions, a bargaining unit executive investigate the report and file a complaint under 4.136 to 4.151 if the report is verified.

Picket Line Attendance

Non-attendance on a picket line is not strikebreaking; in this event, a member is not paid strike pay for the days absent from picket duties. Picket captains are charged with the responsibility of maintaining proper records of picket line attendance.

A report of a strikebreaker will be forwarded to the appropriate bargaining unit president. Bargaining unit presidents will attempt to change the strikebreaker's behaviour. The bargaining unit president will forward any strikebreaker report(s) to the attention of the General Secretary.

According to our discipline procedure, upon receipt of a written statement of complaint, the General Secretary will carry out an investigation into the complaint. OECTA respects the principles of due process and natural justice in investigating alleged violations of our Handbook. Where the complaint is not dismissed, the General Secretary

will attempt to mediate a settlement between the affected parties (here, the local bargaining unit and the alleged strikebreaker). Failing a mediated settlement, the General Secretary will forward the complaint to the chairperson of the discipline board, who will appoint a three-member panel to conduct a hearing.

Taking Action

If the panel finds that the accused member is in breach of the constitution, by-laws, policies or procedures of the Association, the panel may decide to take no action or it may decide to take some or all of the following actions: reprimand the member; impose a fine not to exceed \$2,000; suspend the member's membership privileges; and/or publish the decision of the panel, in whole or in part.

As a member of a union, it is essential that you understand the importance of the OECTA Handbook and adhere to your responsibilities in order to reinforce the strength of the collective. It is also imperative that we stand strong and united in our actions in order to achieve the best possible outcome for all of our members.

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