

CUASA COMMUNIQUE

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CUASA POLICY AND ADVICE STATEMENT WITH RESPECT TO STRIKES BY MEMBERS OF ANOTHER BARGAINING UNIT

The Association recognizes that one of the principles of unionism is that a union member should respect the request of other members of the union movement that they honour a picket line. However, decisions of the Ontario Labour Relations Board indicate that an Association promoted refusal by an employee to cross a picket line set up by another union may constitute a strike which would violate the Labour Relations Act and the collective agreement. In light of this the Association must advise its membership as follows:

1. A mass refusal, promoted by the Association, to cross picket lines established at the University campus may constitute an illegal strike and subject the Association to appropriate penalties for violation of the Ontario Labour Relations Act and the collective agreement, particularly if members of the Association in positions of responsibility are involved, such as Councillors and Executive Officers.
2. The absence of a clause in our collective agreement insulating employees from disciplinary action on the part of the university means that individual faculty members who observe legal picket lines run a risk of disciplinary action by the University; such disciplinary action usually takes the form of docking of pay. In the event of such discipline, members of the bargaining unit have a right to fair representation from the Association as in any other case.
3. In the event of a legal strike against the Board of Governors by another union, members of the Association should not undertake the work of those employees who are involved in such a strike. In such a situation members should also be alert to violations of our own contract or of the law, such as a reduction of services or unsanitary conditions. Any attempt to force members of the Association to do work outside their normal duties or other violations of our own contract should be protested through the Grievance Procedures of our contract.
4. In the event of a legal strike by another union, members should also be aware of the fact that students may have conscientious objections to crossing a picket line. It is the view of the Association that any such objection should be respected without prejudice to the individual student and that members should take appropriate measures to accommodate such objections.



CUPE2323 members have voted in favour of a strike. The strike cannot take place until after mediation occurs on March 7 and the employer's final offer is put to the membership on March 10. The members will vote on the final package on March 10 and if the package is not accepted then the strike could commence shortly thereafter.

The main issue in contention is monetary. CUPE2323 feels that tuition increases have eroded their wages. In the present round of bargaining the employer's proposal to freeze wages at current rates and not freeze tuition at the same time is viewed as unacceptable.

Since CUASA Council passed its policy there have been some amendments to the Ontario Labour Relations Act with respect to employees performing work of striking employees. Section 73 of "An Act to amend certain Acts concerning Collective Bargaining and Employment" November 5, 1992 provides for different measures if at least 60 per cent of those voting authorized the strike. Since CUPE2323's strike vote passed 62% the employer cannot require other employees (except managers) to perform the work of those on strike (s.73.1(7)). If this happens, contact CUASA immediately. Individuals who refuse to do the work of strikers are protected from reprisals (s.73.1(8)).

Management will be sending out information about procedures to be adopted during this strike and are likely to take the position that faculty members are responsible for grades and will, therefore, be required by the employer to submit grades according to published due dates. Faculty members will not have to conduct TA led discussion groups. Faculty members should contact the administration for further information and direct students to the employer.

CUASA's position is that, in the event of a CUPE2323 strike, faculty should not alter their current procedures regarding grading of assignments.



LOCAL 2323

CANADIAN UNION OF PUBLIC EMPLOYEES
SYNDICAT CANADIEN DE LA FONCTION PUBLIQUE

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25 February 1994

Shirley Mills, President
Carleton University Academic
Staff Association
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Dear Shirley:

I am writing to offer our apologies for erroneously suggesting, in a circular we prepared in the autumn, that Carleton University faculty are the second-highest paid faculty members in the province. We regret any aggravation caused by this error and hope that we might continue to work with CUASA where our interests coincide.

In solidarity,

A handwritten signature in dark ink, appearing to be "MR", written over a faint circular line.

Michel Roy,
President