

## **CUPE Local 831 - Strike Pay and Benefits FAQ**

**(Subject to the CUPE National Strike Fund Regulations which can be found at  
National Strike Fund Regulations | Canadian Union of Public Employees (cupe.ca))**

### **How much is strike pay?**

Strike pay is \$300/week for 20 hours of strike duties. Strike pay is not taxable income.

Full-time members must perform 20 hours of strike duties a week. Shifts are four hours long, Monday to Friday. Full-time members are asked to complete one 4 hour shift a day for a total of five shifts a week (20 hours).

Part-time and casual members are also welcome and encouraged to perform 20 hours of strike duties a week if possible and receive full strike pay and may perform fewer hours for a pro-rated amount if they are unable to perform 20 hours a week.

### **How do I qualify for strike pay?**

To qualify for strike pay you need to complete Form E Application for Strike Pay and participate in strike duties, signing in and out of your daily strike duty shift with your picket captain. We will use an electronic system for completing Form E and strike sign in and out.

### **Can I perform a double shift of 8 hours/day?**

For the strike to be effective, members need to be on the picket line every day. If you need to request a different schedule, please speak with your local's strike committee who will review and approve on a case-by-case basis.

### **I am not able to participate in picketing, can I be accommodated?**

If your medical restrictions prevent you from participating in 4 hour, picket duty shifts, please contact your local strike committee to request an accommodation. There is a pre-approved list of alternative picket duties for members whose medical restrictions indicate a need for a medical accommodation such as phone banking and other alternative duties.

### **Benefits during a strike**

If the Employer agrees to continue your extended health care and dental benefits then your benefits will continue in the event of a strike if you have benefits prior to the strike. However, if the Employer refuses to continue your extended health care and dental benefits then CUPE will cover your prescription drugs and emergency dental benefits.

### **Will I continue to pay my employee premiums during a strike? I can't afford that.**

The CUPE strike fund will pay both the employer and employee share of benefits premiums for all members participating in the strike so that benefits prior to the strike are continued during a strike. More information will follow in the coming weeks about benefits in the event of a strike.

**How long will the strike last?**

The more united and well-organized we are, the shorter the strike will be. The most important part of winning a strike is for each, and every member not to report to work, and instead to participate in the strike. We only need to withhold our labour one day longer than the employer can function without us.

**Will I be punished for playing a role during the strike?**

You have a protected legal right to strike. Management cannot legally discipline members for supporting their union. Your union representatives will support you if any action is taken by your employer.

**Does a strike actually have any effect on the bargaining process?**

Striking when negotiations break down is our greatest power as workers. When the employer sees that we are united and strong, they are more likely to concede to our demands at the table.

In 2022, the Ontario government enforced a contract on education support workers and involved the notwithstanding clause of the Charter to prohibit their right to strike. Following the collective response of all unions in the country threatening a nationwide strike, the legislature, referred to as Bill 28, was subsequently revoked.

In New Brunswick, when CUPE members went out on strike across the province, including education workers, they won real wage increases.

**What if I am on vacation when the strike starts?**

If you are on approved vacation prior to the time the strike begins, your employer should honour the remainder of your approved vacation. You are encouraged to cancel your vacation and participate in the strike because the stronger the participation, the more likely you will win your contract demands.

Once on strike, you cannot go on vacation.

**What about my maternity leave top-up, will they continue during the strike?**

The employer should continue to pay your maternity leave top-up during the strike for as long as you are eligible.

**I am on EI maternity or parental or adoption leave prior to the strike. Will my Employment Insurance benefits continue?**

Yes, your EI benefits should continue for the duration of your leave if you were on EI prior to the strike.

**I need to apply for EI maternity, parental or adoption leave benefits after the strike has started and need a Record of Employment (ROE) from the employer. Are they obligated to provide one?**

Yes, they employer should give you your ROE.

**What happens if I am on short-term sick leave/short-term disability when a strike starts?**

If you are on approved short-term sick leave/short-term disability prior to the strike your sick leave/short-term disability benefits should continue.

**Am I eligible for Employment Insurance (EI) sickness benefits during a strike or lockout?**



Maybe, if you can show that your leave was anticipated and arrangements for it were made prior to the strike. If you were on short-term sick leave before the strike that may demonstrate that your leave was anticipated. If your sickness wasn't anticipated or starts during the strike you will not qualify for EI sickness benefits.

**What happens if I get sick during the strike and cannot fulfill my strike duties, will I receive strike pay?**

If you are sick and cannot report to your strike duties, you should contact your picket captain who will communicate with your local strike committee co-chairs. You should not picket if you have COVID or other symptoms of illness as you could potentially make other members sick, however as soon as you are well again you should return to picket duties. If you are sick, you will receive strike pay for your lost shift, if you can provide reasonable proof of illness.

**I am on LTD. Will my LTD benefits continue during a strike?**

Members on approved LTD claims prior to the strike should continue to receive LTD benefits. If an insurance carrier or employer discontinues LTD benefits then you should contact your local strike committee.

**Who will pay the cost of the employer and employee LTD premiums?**

CUPE will continue the employee and employer LTD premiums for members participating in the strike.

**What happens to my pension during a strike or lockout?**

When you are on strike, you do not earn any pay from your employer. Therefore, OMERS contributions are not deducted and there is no credited service added to your pension record for the strike period. For pension purposes, the time period of the strike is not included on your pension record. Your employer will report this time to OMERS as a leave period if it was a scheduled workday.

**Will I be able to purchase my strike period?**

Yes. OMERS rules allow a member, on a voluntary basis, to make a service purchase for the period of a legal strike. Once the strike has ended, your employer should provide you with a service purchase application form. If you choose to pay the cost of the service purchase, the time period of the strike will be added to your pension record as credited service.

**How much will the OMERS service purchase cost?**

The cost will be equal to "double contributions" – in other words, if you choose to make the purchase, you will pay both your portion and your employer's portion of the contributions to cover the strike period. You can find more information on the OMERS website here: [A Legal Strike and Your OMERS Pension](#).

**If I am injured while on strike duty, can I make a WSIB claim?**

No, you can't but you can apply to continue on strike pay.

**If I am getting WSIB benefits will they continue during a strike?**

Yes, provided that you continue to qualify medically and continue to co-operate with WSIB requirements.

If you have any questions, please contact your local's strike committee and/or assigned National Representative.