



CUPE MEMBERS GUIDE TO NSTU WORK DISPUTE

We want to thank you for your patience throughout this period of uncertainty as CUPE, the other unions, your employer, and the Nova Scotia Teachers Union work to put plans in place during upcoming NSTU work disputes.

CUPE is actively working with your local executive, the other unions, and your employer to find the best outcome for all CUPE members as we move forward. We will continue to do so until a resolution can be found for this labour dispute.

CUPE will update you on a regular basis and when a change occurs, so you will have the information you need to know your rights and obligations through this process.

It is important to state that CUPE supports NSTU in this work dispute. As trade unionists, CUPE will support any and all unions that choose to exercise their fundamental right to strike, not to mention, that NSTU members are our co-workers in our workplaces. Maintaining good relationships is essential towards working together.

Here is what our support will look like.

Step 1: Work-to-rule

As you know, NSTU gave notice that as of December 5, they will begin a “work-to-rule” campaign in their workplaces. This is considered legal strike action under the *Trade Union Act*. Teachers will continue to go to work, but their days will be shorter and they will remove some of the duties normally performed from their schedules.

During the work-to-rule campaign teachers will not perform “voluntary extra-curricular activities and scheduled field trips will not continue during this job action. In addition, Teachers will not arrive early or stay late after the instructional day; complete clerical duties; complete data collection and entry; attend meetings non-essential to lesson planning and implementation.”

The duties that they will not be conducting are called and considered “struck work” under the Act. Work-to-rule is a first step in job action that the teachers have elected to take and to show our support we will respect any duties they say they will not perform.

How do we as CUPE support that?

We will continue to go to work and do our “normal duties”. We will not pick up any extra work that the teachers are not performing.

There are two important reasons for this: We all have a full workload already and we cannot be expected to do more. Also, in order for the NSTU “work-to-rule” to have any success, it must put pressure on the system in order to get their point across. If we pick up any of these extra duties, we will take that power away from NSTU. As trade unionists, we should not do that.

Am I protected if I refuse to do these extra duties?

Yes you are protected under Section 53 of the *Trade Union Act*, which states:

53 (3) No employer and no person acting on behalf of an employer shall:

(c) Suspend, discharge or impose any financial or other penalty on an employee or take any other disciplinary action against an employee, by reason of his refusal to perform all or some of the duties and responsibilities of another employee who is participating in a strike that is not prohibited by this Act.

CUPE has communicated directly with the Province to say that we will be invoking our rights under Section 53 and our members will not do any of the “struck duties” left by the teachers. We will also communicate this with your school board.

What should I do if I am asked to do something above my normal duties?

If you are asked to do any work that is normally performed by a teacher, that is above your normal job duties, or that happens on a more frequent basis, proceed as follows:

1. Calmly and politely explain to your supervisor, or the person making the request, that you believe you are being asked to perform “struck work” in violation of the *Trade Union Act*.
2. If they continue to request that you do the “struck work”, calmly and politely ask them to have your supervisor put the request in writing.
3. Immediately give this information to your local steward or executive member who will share it with your CUPE national representative.

If the request directly involves students, make sure they are safe and cared for, before you take this to your local officials. Once we ensure Students are safe and the Local Exec has had the chance to review the matter CUPE will give a position on dealing with the issue on a go forward basis before it occurs again.

If it does not directly involve students, then calmly and politely explain to your supervisor that you need to follow this process before taking on the duties.

Your local officials, along with your CUPE national rep, will work with you and give direction on how to proceed.

Step 2: Rotating strikes or full removal of NSTU services

CUPE continues to work with the other unions, the school boards, and the Province to determine how this scenario will affect you as a CUPE member and what your obligations and rights will be. We will continue with those discussions and, if a full work disruption is to occur, we will send out another bulletin with the next steps.

Again, we want to thank you for your patience as we work through this process and for your solidarity with the teachers. Your trade unionism will be noted and seen by the other unions and, should we find ourselves in a similar position in this upcoming round of bargaining, we will be asking all of those same unions for their support in our struggle.

Thank you and stay tuned for more CUPE updates!

Chris Melanson

Marianne Welsh.

Grant Dart

President.

CUPE National Rep.

CUPE National Rep.

CUPE Local 5047.

Local 5047.

Coordinator Education Sector

cope491