CUPE MEMBERS GUIDE TO NSTU WORK DISPUTE

December 4, 2016

As communicated with you in our last bulletin around the NSTU labour dispute, CUPE continues to work with the other unions, your employer, and the Nova Scotia Teachers Union, as we work through this constantly changing situation.

As you all know, Education and Early Childhood Development Minister Karen Casey announced on Saturday, that as of Monday December 5th all schools will be closed to children (in all school boards) until the Liberal Government has passed legislation in the coming weeks to deal with the NSTU labour dispute.

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

CUPE strongly 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, and we will do all we can to support NSTU and their quest for a fair, freely negotiated collective agreement. Their fight is and will continue to be labours’ fight on these issues.

What was in the announcement from the Province on December 3?

Minister Casey announced that schools will be closed to students as of Monday December 5, 2016, and that the Legislature is being called back to session to pass legislation to deal with the proposed NSTU work action. Part of this legislation will be to end what is a legal NSTU strike, thus removing this constitutional right from that union. It will also impose the terms that government previously offered, which the members of NSTU turned down twice. The other part on the announcement that Minister Casey made was clear that this was not a lock out of teachers, but rather a closing of the schools to students.

What does this mean to me as a CUPE member?

On Monday (and until advised otherwise by your supervisors or a member of management) 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, but we will report and conduct our normal duties as if there was no labour dispute in affect. For members that work directly in the schools, you will report at your normal times and do your normal duties until told otherwise by your direct supervisor.

If you are not asked to perform alternate duties you should conduct your day as normal, no matter who may or may not be in your schools.

If a student shows up at the school, immediately take them to your supervisor and leave them in that person’s supervision and control.
For our ALL CUPE Local 5047 Members, you will continue to report to work as you normally do, during your regular hours, until instructed to do otherwise by your direct supervisor. Should a student show up at the school, immediately take them to your supervisor and leave them in that person’s supervision and control.

As a CUPE member, you will report and do your work as “normal” if you are instructed to do anything different then please let your local executive know immediately.

You are protected if you refuse to do extra duties

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 have also communicated 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. 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.

What does this mean to CUPE?

This becomes even more than ever our fight along with NSTU! If the Liberal Government follows through with the announced legislation, they will not only impose a collective agreement on NSTU, but they will also remove union members’ constitutional right to strike and their rights to legal strike actions under the Nova Scotia Trade Union Act.

Thank you and stay tuned for more CUPE updates!

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