



A culture of recognition and mutual respect where the MRSA is an equal and valued partner in the MRU community.

Job Action Policy	
First draft: 22/05/2019	Sponsor: Labour Relations Committee
Current Version: 1.02	
Last Amended: 26/01/2022	Approved by: Executive Board

Purpose:

This policy provides direction to the Mount Royal Staff Association (MRSA) and MRSA certified employees regarding job action which the MRSA takes, or other unions take, and how MRSA recommends response.

Definitions:

Essential Services - types of work, which is agreed to by the Bargaining Agent and Employer, that will continue during the duration of a legal strike. Duties which are deemed “essential” are those which are necessary for life and limb, as well as for the preservation of law and order. However, only the minimum required services will be agreed to with the employer and union, in accordance with the legislation.

Essential Services Agreement - An agreement which the parties must enter into as per the Alberta Labour Relations Code, prior to enacting legal strike or lockout processes.

Information Picket - Unions often employ information pickets in build up or to avoid further legal actions (although strictly speaking this is not considered Job Action). An information picket can be actioned at any time, whether during the term of a collective agreement or not, as there is no work stoppage. All picketing is completed on non-paid working hours from the employer. It is a demonstration, often used to inform the public and other stakeholders regarding a matter of concern for the union. It is purely a method to provide information to stakeholders.

Job Action - any alteration of terms and conditions of employment, particularly work stoppage, by workers intended to influence and persuade the employer to alternative actions.

Lockout - From the Alberta Labour Relations Code (ALRC) Section 1(1)(p) “lockout” includes

- (i) the closing of a place of employment by an employer,
- (ii) the suspension of work by an employer, or

(iii) a refusal by an employer to continue to employ employees, for the purpose of compelling the employer's employees, or to aid another employer in compelling the employees of that employer, to accept terms or conditions of employment. (ALRC)

No Retaliation - As per Section 89 of the Alberta Labour Relations Code, the University is not allowed to retaliate against staff if conducting legal job action. Once job action ends, employees are entitled to reinstatement before any other employee hired during the dispute.

Picketing - Action conducted by a labour union for the purpose of informing the public about a matter of concern to the union. Essentially groups of union members gather in public spaces near the entrance of the employer or other important locations to bring information to the public and other stakeholders. Picketing can occur under legal or illegal circumstances. MRSA only supports legally conducted picketing for MRSA employees.

Strike - From the **Alberta Labour Relations Code Section 1(1) (v)** "strike" includes

(i) a cessation of work,

(ii) a refusal to work,

(iii) a refusal to continue to work, by 2 or more employees acting in combination or in concert or in accordance with a common understanding for the purpose of compelling their employer or an employers' organization to agree to terms or conditions of employment or to aid other employees to compel their employer or an employers' organization to accept terms or conditions of employment.

(3.1) Obstructing or impeding a person who wishes to cross a picket line from crossing the picket line is a wrongful act.

Strikes may be legally or illegally conducted. MRSA only supports legally conducted strikes of the MRSA employees.

Wildcat Strike - An illegal work stoppage. All work stoppages, which do not have Alberta Labour Relations Board approval are considered illegal. This may be any reduction in regular job duties, of 2 or more persons. This may include - several people calling in sick in a coordinated fashion. The labour board has the ability to order an illegal strike cessation and apply penalties to the MRSA, regardless of if the Association was truly aware. In Alberta, threats by employees, the Association or other persons, of a work stoppage may also initiate penalties.

Work to Rule - A type of job action which may be legal or illegal, depending on how the process occurs and whether or not the employer disputes the action of the employee group. Work to rule by groups of employees may be considered illegal strike action if not performed following the legal strike process. Work to rule may also be a legal strike strategy which the union supports and recommends. Specifically, work to rule is the restriction of duties to regular hours of work alone, and to only necessary tasks as outlined in the employee's job description. Therefore, additional duties which may fall under the category of "other duties as required" normally are not within 'work to rule'. Teachers often institute 'work to rule' as a job action strategy as there are numerous duties in their job descriptions which their employers don't recognize and therefore the time is unpaid (e.g. marking and extracurricular activities with students).

A. Determination for Strike Vote

Any strike would be thoughtfully considered to ensure that it is in the best interests of the majority of the bargaining unit, and would have a good potential of success. The MRSA Negotiations Committee, in consultation with the Executive, will review all potential legal recourse to reaching successful, beneficial collective agreement negotiation settlements. Through the negotiations process, the MRSA Negotiations Committee will only recommend legal strike when and if the Employer and Association have reached an impasse in negotiations, that mediation has failed, or if significant interests in the current negotiations process would reduce or limit the improvement to the majority of the membership the majority of the time. The MRSA will also take into account considerations regarding greater economic, political and general public interests.

B. Process for Legal Strike

Legal strikes can only be initiated by a vote from the MRSA membership, passing with a simple majority of the voting participants during the collective bargaining process. These votes are supervised by the ALRB and may only take place after the Collective Agreement has expired and mediation has failed. There is a mandatory 14 day cooling off period that must be observed by both parties after a failed mediation before any legal strike can be voted into force. The vote has no required minimum participation of the bargaining unit employees however all certified employees have the right to vote. As per the Alberta Labour Relations Code, a simple majority (50%+1) is the minimum requirement for a bargaining unit to initiate a legal strike. A simple majority will likely not provide the required leverage to change the power dynamic at the bargaining table. A very strong majority is necessary for a strike to be effective. The MRSA Executive, in consultation with the negotiations committee will determine the appropriate strength of the vote to institute a strike.

Following a vote in favour of strike, there is also a 72-hour period where the union must serve notice to the employer to initiate strike.

For further details regarding a strike which is actually initiated, review the Strike Manual.

C. Another Union's Job Action

Should other unions, either on site or otherwise, engage in **legal** job action the MRSA may review and consider actions to support other union's interests. Typically, this will mean that employees of MRSA may be encouraged to support the other union's action by ***participating on the employee's own time***. MRSA does not support employees using employer paid working time to support another union's action. The MRSA also does not support MRSA certified employees taking tasks, duties or other functions of another bargaining unit employee's work. However, employees ought not to refuse the request of their employer but should report any duties which they have been instructed to complete, which are outside of their own job description, to the MRSA for further advice and support.

Should another union engage in **illegal** job action, or a wild cat strike, the MRSA strongly recommends careful review of any participation. The MRSA does not recommend participation in any illegal job action on your employer paid time.

The labour movement does, at times, view illegal job action as an appropriate response to an employer or potentially the government's actions. However, due to the significant risk to both the organization

and individual employees, the MRSA will review each action to provide advice based on the circumstances.

D. Crossing legal or illegal picket lines of other unions

You have the right to cross another union’s picket lines, whether they are legally sanctioned or not. However, at any time should you believe there is an imminent danger of crossing the line at your place of employment, you are not required to do so. You may invoke your Occupational Health and Safety (OHS) rights to ensure that you are not put in danger. Should this occur you must follow the OHS process for work refusal.

For legal strike, it is less likely that you will encounter an imminent danger, as the strike picket line will be ALRB supervised and is required to be peaceful. MRSA recommends doing your best to respect another union’s picket line by avoiding crossing the picket line. This may mean to use another establishment during the legal strike, or perhaps supporting the picketing efforts in some way. Picket lines are legally allowed to delay movement past them of the public and other workers or contractors who may need to move past the line. MRSA also recommends using alternative entrances than a picket line, where possible, and there is a need to access the particular place of business.

Related Policies and Documentation:

Strike Pay Policy

Strike Manual

Revision Table

Version Number	Date Approved	Approved By	Description
0.01	Draft		Draft
0.02	Draft		Incorporated Job Action, Defense Fund and Essential Services into one document
1.02	Jan 26, 2022	Executive Board	Final