

General Q&A on Strike

Can employees take leave during a strike?

Employee in Strike Position: If you have pre-approved leave, generally you will be allowed to take your leave as planned with extensions considered on a case-by-case basis.

Employees in essential service positions may be recalled from leave or have their leave cancelled.

Managers: Leave is not to be granted in a way that would permit employees to participate in strike action with pay or to avoid the consequences of strike action. Work with your employee to determine the nature of their leave requests and approve them if appropriate. When in doubt, consult with your Labour Relations Officer.

What about sick leave during a strike?

Employees in Strike Position: Your approved sick leave may continue, subject to proof of continuing illness. New requests for leave may be subject to providing a medical certificate that includes your expected date of return.

Employees not in a Strike Position: If you are an employee of a non-striking bargaining unit, your leave requests will be considered in accordance with your respective collective agreement and operational requirements.

Managers: Approach sick leave requests from your employees as you would at any other time. When in doubt, consult with your Labour Relations Officer.

Who provides an essential service?

Employees in Strike Position: If you are an employee who provides an essential service, you will receive written notification from management outlining your rights and conditions of work. In some cases, employees need to be present full time at the workplace (Code 1). In other cases, you may be asked to replace an essential service employee who needs to be absent (Code 2), or your manager could ask you to come to work in special circumstances (e.g., a power outage occurs and you need to tend to special equipment) (Code 3).

If you are required to cross the picket line, you must ensure you have your essential services letter with you. When you arrive at the picket line, identify yourself to the picket line monitor (management rep) from the department so they can help you cross the line. The monitor is there to support you and ensure the safety of all.

Managers: Essential services are those that impact the safety and security of the public. These positions are negotiated with the bargaining agent(s) in advance of any strike activity. If you have employees on the essential services list, you will be contacted by Labour Relations to

distribute the appropriate letter to your employee and discuss with them their terms of work. You will need to confirm to Labour Relations (for the purpose of reporting to Treasury Board Secretariat) that you have distributed the letter to impacted employees.

While not mandatory, it is suggested to involve local union representation when distributing these letters or having these conversations. This may ease the movement of your staff during any specific picket line activity. Lists of designated union representatives will be provided with the letters, along with further instructions.

Can an employee who is in a legal strike position still report for work?

Employee in Strike Position: You can choose to report to work. You may wish to consult your union representative about your decision so you understand the consequences that may apply in this situation. If you wish to report to work, it will be incumbent on you to ensure your management team is aware you are working so your pay is not stopped.

Managers: Employees in legal strike position have the right to strike. They also have the right to work. Do not attempt to influence or persuade an employee in any way. Employees with questions concerning their standing with the union if they choose to work should be directed to their union for answers.

Management will need to ensure employees in a legal strike position who choose to work can work and have the resources to do so, either in person or in a hybrid working environment.

When in doubt, consult with your Labour Relations Officer.

Can I work from home during a strike?

Employee in Strike Position / Designated Essential: If you perform essential services that require onsite presence, you are expected to report to work as usual. We recognize crossing a picket line can cause some delays; if this occurs, call your manager or seek out the picket line monitor (management rep) who will negotiate your safe entrance to your work site.

Essential service employees should maintain their hours of work, telework, or hybrid work arrangements as established prior to the strike, in accordance with DND's adoption of the common approach to hybrid work.

Nevertheless, management may require work to be performed differently by essential employees during a strike and may consider varying arrangements (e.g., to ensure the delivery of critical services).

Employees in Strike Position: For employees who choose to work during a strike, hybrid work arrangements which existed prior to the legal strike period continue to be in effect – speak to your manager to confirm the arrangement.

Employees not in a Strike Position: If you are an employee who must be onsite to perform your duties, there will be picket line monitors onsite to provide support and ensure the safe passage of any employees who need to access the worksite.

Existing hybrid or telework arrangements remain in effect during a strike. Should you need special consideration during this period, discuss your situation with your manager.

Managers: Managers should not change formal telework arrangements due to strike activity, but they may consider adopting a hybrid approach on a case-by-case basis, subject to operational requirements.

When in doubt, consult with your Labour Relations Officer.

How can we show support for our striking colleagues?

Everyone: You can show your support by, for example, wearing a button, provided it is not disrespectful in nature, or by joining employees on a picket line before or after your work hours or on one of your breaks.

What happens when we arrive at a picket line?

Employees not in a Strike Position: Picket lines are designed to provide information and raise awareness of the issues important to the striking employees. This can result in delays in crossing the line. A picket line monitor will be onsite and can be identified by their safety vest or button. They are there to negotiate the movement of our employees through the picket line, as well as observe and ensure the safety of all involved.

Do not force your way through or try to bypass the line. If you encounter a delay, call your supervisor and seek advice if you are being prevented from crossing a picket line.

Managers: If you have employees who need to cross the picket line, expect delays. You should ensure your staff have your cell phone number, as they may call you if they have difficulty accessing their work location. Encourage respectful behaviour from all employees.

Everyone: Remember that when the strike is over and things return to normal, the employees on the picket line will still be your colleagues. Consider future relationships before losing your temper. Respect their rights, and they will respect yours. Harassment will not be tolerated and will be subject to disciplinary action.