



**News on
BARGAINING**



| PLEASE POST |

Date: July 22, 2022
To: All Public Service Members
Re: Public service strike FAQ

You've voted in favour of strike action...now what?

After our historic member-led strike vote in June talks resumed between your committee and your employer, the Public Service Agency (PSA). Talks quickly broke down again because [your employer once again failed to table a wage offer that met your needs](#).

While our goal remains achieving a fair agreement at the bargaining table, members may need to support that goal but putting additional pressure on their employer in workplaces and communities. That support could include actioning the 95% strike mandate before it expires on September 20th.

We know that many public service members are new to the bargaining process and/or have never taken job action so we've crafted an FAQ (below) that answers some of your most frequently asked questions.

This FAQ is available online – www.bcgeu.ca/StrikeFAQ – and we will keep the online version updated as new questions or updates arise.

In solidarity,

Your BCGEU Public Service Bargaining Committee

Stephanie Smith, President
Paul Finch, Treasurer
Judy Phipps, Executive Vice President

Dean Purdy, Vice President - Component 1
Kusam Doal, Vice President - Component 5
Judy Fox-McGuire, Vice President - Component 6
Kayla Woodruff, Member at Large - Component 6
Maria Middlemiss, Vice President - Component 12
Matt Damario, Component 12
Robert Davis, Vice President - Component 20
Michael Eso, Secretary and Lead Negotiator
Lisa Lane, Support Staff

Public Service Job Action FAQ

Strike basics

When will we go on strike?

We do not anticipate immediate job action. You should proceed with business as usual until you hear otherwise from your union.

Our union has 90 days to action a strike vote. The votes were counted on June 22nd, so we have until September 20th to initiate some form of job action.

However, we cannot legally strike until the Labour Relations Board (LRB) issues an essential service order. We have been engaged in essential service negotiations with the PSA since March, but with a bargaining unit as wide ranging and diverse as ours, this process takes time. Where the union and the employer cannot agree on essential service levels, we are prepared to fight it out in litigation.

Once our union is legally able to strike, we must provide the employer 72 hours' notice before the start of job action.

Aside from essential service levels, we also want to make sure that whatever strike action we take has maximum impact on your employer—in order to get them to return to the table with a better offer—and minimum impact on union members and the public.

There may be times when your union needs your input about essential service levels or what would constitute effective job action. So, it's important that you keep in touch with your union steward or workplace contact about what's going on.

What about a lockout?

Under the B.C. Labour Code, an employer can **lockout** employees by closing a place of employment or suspending the work being done by bargaining unit employees. Similar to a union being required to give an employer 72 hours' notice of a strike, an employer has to issue 72 hours' notice of a lockout.

In the case of either a strike or a lockout, BCGEU members would be entitled to strike pay.

What are "essential services"?

The BC Labour Relations Board will designate certain services as "essential" and workers who perform those services will be unable to strike. Such designations may vary in their scope, such as: ruling an entire department to be essential or setting a minimum staffing level for a given role or office.

The standard for "essential" in labour law is not the same thing as what was defined as "essential" during the pandemic. Under labour law, for the purposes of job action, "essential" services are those that preserve the health, safety or welfare of the residents of British Columbia. Who is designated "essential" on a given day may rotate, and planning for how to be involved is something that you and your co-workers can prepare for in advance.

With the assistance of the BC Labour Relations Board (LRB), essential service negotiations between your union and your employer are ongoing. Our goal is to get those levels set as low as possible in order to make sure any job action we take has maximum impact on the employer. In general, the employer's goal is to get ES levels set high so that they can continue to operate during job action with minimum impact. In some service areas, the negotiations have been straightforward. In others, the employer is seeking essential service levels which are at or near full staff complements. It seems that some ministries are only concerned about staffing levels when facing a labor dispute!

Our legal team is working with frontline members from the affected ministries to deal with these issues. We anticipate that there will be ministries where we cannot reach an agreement with the PSA, and that the LRB will need to make a judgment on our respective cases and issue orders. Our team is working hard to make sure we can action our strike mandate as soon as possible, and we will keep you informed.

For detailed background on the law related to essential services in BC please [refer to this letter which went this week from the legal team acting for the BCGEU to the PSA.](#)

[How long can I expect to be on strike?](#)

There's no set timeline for a strike; however, public-sector strikes typically end faster than private-sector strikes. There's a saying in the labour movement: "the longer the strike line, the shorter the strike." That's because a union's greatest strength is power in numbers.

The more people on the picket line, the better because it communicates to the employer that members are united in their demands and cannot be divided and conquered. Our bargaining unit is 33,000-BCGEU members-strong. That's a lot of workers amplifying each other's voices and exerting pressure on the employer. If everyone works together, there's a good chance we can make the Public Service strike a short but powerful one.

Picketing details

[How does picketing work?](#)

Every site that has a picket line will have one or more "picket captains"—members whose job it is to coordinate strike action. Right now, our union is growing the networks of members needed to conduct an effective strike. Before we go on strike, you will be notified of who your picket captains are, and they will work with you and your colleagues to determine scheduling and the physical setup of your picket line.

Our union is developing instructional videos and other materials explaining the details of going on strike, be on the lookout for those materials in the coming weeks.

[How much is strike pay? I'm worried I can't afford to forgo my pay-cheque.](#)

Current basic strike pay for full-time workers is \$500 a week or 70% of gross pay, whichever is less. Strike pay for workers scheduled to work part-time or on irregular shift schedules is according to a formula set by your elected Provincial Executive. Casual workers will have to provide their picket captains with a breakdown of their hours worked in the last 4 weeks, so they can be scheduled onto the picket line.

For specific worksites targeted for strike activity, strike pay can be set at a higher level as determined by your elected Provincial Executive.

Strike pay is **not** taxable and there are no deductions. The BCGEU will reimburse your employer for the cost of your benefits during a strike so there will be no disruptions in coverage.

We are making plans to distribute strike pay by electronic funds transfer – EFT. More details will be coming soon so please make sure you have an active Member Portal account including your current personal contact information so we can contact you.

Many BCGEU members are already struggling to pay their bills with their current wages. When our union surveyed public service members in June 2022, almost half of respondents said they are going into debt. This isn't right, and it isn't fair. While strike pay, for many members, will not be as much as your monthly income, remember that the goal is achieve a permanent pay increase.

Failing to win wage increases and cost-of-living adjustments (COLA), which ensure your wages rise with present and future inflation, is a permanent loss. It will mean falling even further behind financially, and once you've taken a pay cut, it's hard to recoup those losses in future rounds of bargaining.

[How many hours do I need to picket per day?](#)

In order to be eligible for your maximum strike pay entitlement you generally need to perform **four hours per day** of strike-related duties, or as directed by your picket captain.

If I have a disability that prevents me from walking a picket line, how do I support the strike?

There are many ways to support fellow members on the picket line. If and when the time comes, talk to your picket captain, so you can modify your strike duties to accommodate your needs.

[If we go on strike and I work from home, do I need to report to a picket line?](#)

Yes – strike related duties need to be performed in order to receive strike pay. Please connect with the steward or picket captain at your worksite.

It is important to note that continuing to work from home (unless you are deemed essential) will be considered crossing a picket line and may impact your employment as BCGEU membership is a condition of employment in the BC Public Service.

The employer and union agree on essential service levels to maintain basic operations subject to the law, and continuing to work at home during a dispute may put these agreements at risk.

The collective support and solidarity of all members are the key to maximizing pressure on the employer and reaching a fair collective agreement.

[Can I picket at a different worksite than my own?](#)

This can sometimes be accommodated, but it depends on the logistics of the strike. Please discuss with your steward or picket captain if and when strike action starts.

[What if we are on strike and it is my “flex” day? Do I still picket? How does that affect my pay?](#)

You must perform strike related duties in order to receive strike pay. To get the full \$500 for the week, strike related duties need to be performed for each day as required.

[If I voted against a strike, do I still have to picket?](#)

Yes, you must picket in order to be paid — you cannot cross the picket line and work unless your job is covered by an essential service designation.

Crossing a picket line is something our union takes very seriously, and those who do may be subject to discipline under the BCGEU Constitution and Bylaws, including having your BCGEU membership removed. Under the terms of our collective agreement, employees are required to become members of the BCGEU and maintain such membership.

Strikes and Leaves/Benefits

[What about maternity/parental leaves?](#)

Pre-approved maternity and parental leaves will not be impacted by strike action.

[What happens if I have vacation booked? How will a strike affect me?](#)

Vacation which has been preapproved prior to the start of strike action will be honored by the employer.

What about sick leave during a strike?

If you get sick after the strike commences, you are not eligible for sick leave and disability benefits, and you must tell your picket captain that you are sick. You may be eligible for Employment Insurance (EI) sickness benefits. Information about requirements and how to apply can be found at: [EI sickness benefits](#)

If my workplace is on strike, and my job is deemed an essential service, am I eligible for STIIP?

Yes. If your work is an essential service but you become ill or injured the strike will not impact your eligibility for STIIP. In that case, another worker who does the same position would be called in to perform the essential services work.

Will my extended benefits continue while on strike?

Yes, your benefits will continue during the strike. Our union will reimburse your employer for benefits costs during the period of a strike.

How can I prepare financially for a strike?

To protect your bank account and your family, we recommend members start creating a financial plan.

When a strike notice is issued, the union can provide form letters that members can send to creditors as well as an official letter from the union confirming that members are indeed on strike.

Other steps you can take:

- Talk to your lender — can you get a deferral on your mortgage payment and work out a new payment plan? – many financial institutions have provisions specifically for individuals who are on strike.
- Talk to your insurance company — can you spread out your payments?
- Hold off on risky purchases that could create more costs down the road, if you are able.

If I'm excluded on a TA (temporary assignment), will there be any repercussions of crossing a picket line?

If you are temporarily in an excluded position, you are required to attend work in your excluded position. You may wish to seek additional advice from the PSA on your rights and obligations.

AD/CE
MoveUP

