

## Job Action: Strike or Lock-Out Frequently Asked Questions

*Updated November 13, 2020*



*Photos from the strike of 2002.*

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# Job Action: Strike or Lock-Out Frequently Asked Questions

November 13, 2020

This document has been designed to answer your questions regarding job action, which includes both strike or lock-out. If you have other questions or wonder if an answer applies to your particular case, please contact the DFA at [dfa@dal.ca](mailto:dfa@dal.ca). If job action looks imminent, we will provide a second document answering more specific questions around strike pay, picketing, logistics and other issues.

*(To go to a section or to a specific answer, place your cursor and press control + click.)*

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## 1. GETTING TO A STRIKE OR LOCK-OUT POSITION

### What is a strike vote?

A strike vote is a vote taken among employees in a unionized workplace to authorize a strike. A majority vote of the full Bargaining Unit is sufficient to pass a strike vote, and includes those who are on leave. If a strike vote passes, it provides the DFA Executive with the authority to call a strike if, and when, they conclude such a step is necessary to reach an acceptable agreement.

### Does a strike mandate lead to a strike?

On October 5, 2020 DFA members delivered a strong strike mandate - 90% of those who voted supported strike action should it become necessary. A strike mandate alone may be sufficient to get the Board to take the DFA seriously in negotiations; however, a vote for a strike can result in a strike if negotiations are not proceeding.

### If I am on leave, do I still have a chance to vote?

Yes, your vote is important. Confidential voting will take place electronically. The DFA will send voting information and a “voting key” to all Members, including those who are away, or on sick leave, disability or parental/compassionate leave. Please contact the DFA if you have any questions about this.

### How will I know if a strike or lock-out is called?

At any time during negotiations, or if an agreement cannot be reached, either side in bargaining can file for conciliation. In this round of bargaining between the DFA and the Board of Governors, DFA filed for conciliation on September 22, 2020 and the Labour Board appointed a conciliation officer. Conciliation broke down on October 19, 2020 and both sides have since filed for a conciliation board. If no agreement can be reached through the conciliation board, job action may follow. The Minister of Labour and Advanced Education must be given 48 hours’ notice before a strike or lock-out begins; and that information is made public. You will be notified of the beginning and ending of a strike or lock-out.

## 2. STRIKE BASICS

### If there is a strike, how long could it last?

There is no way to predict how long a strike would last. In the 42-year history of the DFA, there have been four strikes: 1985, 1988, 1998 and 2002. They ranged in length from one day (1985) to almost four weeks (2002). In 2012, an agreement was reached in conciliation just before job action was scheduled to begin. We also reached agreement in conciliation in 2017.

### How will I keep informed during a strike or lock-out?

During a strike or lock-out, you will be kept informed by a variety of methods, including email and various social media platforms (Twitter, Instagram and Facebook; find us @dalfacultyassoc). We will also be creating a “Virtual Strike Headquarters”, a private group on Facebook that all Members will be invited to join for updates.

Updates will be posted in the Members-only section of [dfa.ns.ca](http://dfa.ns.ca). Every DFA Bargaining Unit Member has access to this area of our site. If you have forgotten your password, you can reset it by going to the Members-only log in page, enter your email address (not the alternate email address you provided, but the one that DFA uses to communicate with you on a regular basis). Instructions will be sent to your email address. If you are still unable to log in, please contact the DFA Communications Officer [Catherine.Wall@dal.ca](mailto:Catherine.Wall@dal.ca).

If a strike or lock-out is called the DFA staff may use alternate email addresses and we will notify you of those addresses.

#### [I know that I can't teach, but can I get into my office during a strike or lock-out?](#)

No. DFA expects all Members to honour the picket line, and historically the Board locks out DFA Members immediately after job action is called. If Members need their computers or files, they should be taken home before the beginning of a strike or lock-out.

#### [Will I have access to campus during a strike or lock-out?](#)

In general, no. It is useful to begin thinking now about what you might need to remove from your office or lab prior to a strike or lock-out deadline. There will be some exceptions to building access for certain limited circumstances, and these exceptions are decided by the Association-Board Committee. Special arrangements may be made for the care of animals or the maintenance of special equipment that could be damaged if left alone.

It is expected that the Board will allow access as needed to those employees who require the personal use of Staff/Faculty Health Services, dental clinic, and child care.

#### [Will I have access to Dal email?](#)

The Board has assured us that you will continue to have access to the share drive, Office 365 and your Dalhousie email throughout a strike or lock-out. However, you are reminded that you must stop all of your Dalhousie-related work during job action. You should not be communicating with students or colleagues on academic matters.

#### [Will I be expected/able to carry on with my clinical work with patients during a strike or lock-out?](#)

If your clinical work is part of your Dalhousie workload, then you are required to withhold your work during a strike or lock-out.

#### [If I am a department or program chair do I have to go on strike?](#)

If you are a DFA Bargaining Unit Member, you must respect the work stoppage.

### **3. STRIKE PAY AND ELIGIBILITY**

#### [What must I do to qualify for pay during a strike or lock-out?](#)

You must withhold your work from the employer and remove yourself from campus. All striking Members must cease teaching, research, supervision, library work and counselling (unless it is

determined to be an essential service), and administrative duties. Members must not hold classes on-line or off-campus, or ask teaching assistants to take over their duties (both are considered strike-breaking activities). You must participate in strike duty (either physical or virtual picket duty, or other tasks that will be assigned) and you must “sign in” for strike duty each day to receive strike pay. Details will follow as a job action becomes imminent.

### **I live from paycheque to paycheque. How will I manage?**

The DFA Executive has determined that strike pay will be \$840/week paid out every two weeks. Strike pay is paid by the DFA and is **payable seven days a week**, although pickets (virtual and physical) would only operate five days per week. **Strike pay is not taxable**. Also, there are no deductions from strike pay for union dues, benefits premium, or pension. The DFA will pay the full premium for your benefits during job action. We do not contribute to Members’ pension plan.

### **I work part-time, but I am a Bargaining Unit Member. Am I eligible for the same strike pay as a full-time Member?**

Yes, providing you complete strike duty.

### **What happens if I am on vacation when job action is taken? How would I be compensated?**

As soon as a strike or lock-out is called, all provisions of the Collective Agreement are suspended. You would not get paid by the employer after a strike or lock-out begins, whether you are on vacation or not, as the Administration would likely consider all vacations cancelled.

You must perform strike duty to receive any strike pay; you do not receive strike pay while on vacation.

### **Am I eligible for EI during a strike?**

No. You cannot receive Employment Insurance during a strike if you are a member of a Bargaining Unit that has called a strike or has been locked out. [Click here](#) for more information. There are a few exceptions to this rule, for example, parental leave if it was planned before job action began. Please check with Service Canada for your particular situation.

### **If I have a moral objection to a strike and will not picket, do I get strike pay?**

Strike duties of some sort must be performed in order to get strike pay.

## **4. STRIKE/PICKET DUTY**

### **How many hours of strike duty am I expected to perform week?**

Physical picket lines would run from 8:30 am to 4:30 pm, Monday to Friday (except statutory holidays). Shifts will be organized in 2-hour blocks, and Members will be required to perform the equivalent of 4 x 2 hour blocks for a total of 8 hours strike duty each week. You will be able to sign up for shifts to allow flexibility for accommodating your child care and other responsibilities/commitments.

### How will physical picketing be done safely in the COVID-19 pandemic?

Our picketing activity will consist of predominantly physical picket lines, on and around the Dalhousie campuses and/or other high traffic areas. We have developed plans to make sure that our Members can safely participate in physical picketing, respecting Nova Scotia Health requirements and recommendations. Some of the measures we have put in place include:

- picket signs will be cleaned after every shift, wiped down with a disinfectant;
- extra blank placards will be available so you can create your own picket sign to keep with you for the duration of the strike;
- we have DFA branded facemasks (washable, reusable) for every Member;
- the size of picket clusters will be limited to ensure physical distancing;
- a private Virtual Strike HQ will be hosted on Facebook, rather than establishing a physical strike HQ; and
- picket lines will be supported with several mobile strike units.

### I am unable to physically picket. Can I do something else?

Physical picketing is the norm (subject to current public health directives around physical distancing and gathering size limits), but Members who are unable to physically picket can perform alternative strike duties. There are other jobs that will need to be done during job action, and everyone will be accommodated as best as possible. As a strike or lock-out becomes imminent, we will have a comprehensive list of alternative strike duties.

### If I am filling in for someone on sabbatical, am I expected to picket?

If you are a Bargaining Unit Member of the DFA, you will have to respect the work stoppage. If you wish to earn strike pay, you will be required to perform strike duty.

## 5. FINER POINTS

### What happens if I am on sabbatical or parental/maternity leave, sick leave or disability leave?

Members on sabbatical/education leave are deemed to be on strike and will receive strike pay if they perform strike duties.

We are waiting for clarification on a few issues related to Members on parental/maternity leave. These answers will be provided as soon as they are available.

Short-term sick leave benefits and LTD benefits continue as the Member is not considered to be on strike. Members on short-term sick leave and LTD are not expected to perform strike duties, and therefore will not qualify for strike pay. Members who are on an unpaid leave of absence are not considered to be on strike and will not be paid by the Administration.

### What sort of financial preparations should I make before a strike or lock-out?

It is never too early to begin thinking about prudent financial preparations for a potential strike or lock-out. You should consider contacting your bank managers, mortgage officials, or other financial advisors

and inform them of potential job action. Some credit card companies and banks offer insurance in case of job action, and can also make alternative payment schedules. You will need to check with your own financial institutions. If you have expenditures that need to be reimbursed by the Administration, it is to your advantage to submit receipts in a timely manner.

#### [If I attend a virtual conference during job action, do I still get strike pay?](#)

You will have to participate in strike duties in order to get strike pay. If the conference doesn't prevent you from performing 8 hours of weekly strike duty, you would receive strike pay.

#### [If I attend a virtual conference, would the Administration reimburse me for the registration fee after we return to work?](#)

If your claim was put in before a work stoppage, the Administration would reimburse you.

#### [If I split my time between two different universities, can I just increase the time I allocate to the other university and continue my research?](#)

In the past, the Administration has locked out Members following the beginning of a strike so you will likely not have access to your office or laboratory at Dalhousie, unless deemed essential and approved by the Association-Board Committee. You are not to undertake any research activity, as it is part of your duties as a Bargaining Unit Member. Teaching, research and service work all stop during a strike.

#### [I serve as a member of a grant selection committee for a tri-council agency. In the event of a strike or lock-out what should I do?](#)

External service of this kind is a part of your Dalhousie work and it should therefore cease during a strike or lock-out. As a matter of courtesy and for planning purposes, we encourage DFA Members to keep in communication with external agencies to alert them of the possibility that your work could be interrupted due to a work stoppage - most agencies will be understanding and supportive.

#### [If we incur expenses for research during a strike, will the Administration reimburse us for these expenses after we return to work?](#)

You should not personally be incurring any research expenses because you are suspending your research activities as part of the work stoppage. The Administration would continue to pay for staff (technicians, assistants and post-doctoral fellows), supplies they may buy, and infrastructure costs out of the research grants. The Administration could rightly refuse to reimburse you for personal research expenses, as the Collective Agreement is suspended during a strike or lock-out.

#### [Can students continue my research during job action?](#)

If students are going to continue research during a strike it would be wise to consult their supervisor to ensure that there are no safety concerns having students work unsupervised. However, DFA Members are not to undertake any research activity. Also, unless deemed essential and approved by the Association-Board Committee (i.e. animals would die or sensitive equipment damaged), you would not be given a pass to cross picket lines and enter the buildings.

#### [Will my teaching assistant get paid if DFA goes on strike or is locked out?](#)

During the strike of 2002, the Administration did pay teaching assistants and part-time lecturers.