

This document provides background and technical information regarding the constitutional and policy amendments proposed at the February 24, 2023 Special Convention to update MGEU's Strike Toolbox.

The Bargaining Situation Facing MGEU in 2023 and Beyond

After several challenging rounds of bargaining, employers across Manitoba continue to resist wage increases that keep pace with the rising cost of living. At the same time, surging inflation is eroding the purchasing power of member wages.

To catch up and keep up in the next round of bargaining, MGEU members will need to be willing to come together, take a stand, and harness our leverage as a union. This means supporting our bargaining committees with strong strike mandates, and when necessary, taking job action.

In the past, some bargaining units have been reluctant to provide strike mandates or consider potential job action.

The Taking a Stand Together Bargaining Framework

In October 2022, MGEU's Board of Directors adopted the Taking a Stand Together bargaining framework, a plan to strengthen MGEU's position at the bargaining table by:

- Building genuine solidarity among members;
- Demonstrating a willingness to take job action, including strike action, to get a fair deal;
- Fostering public/client support for our members;
- Harnessing our strong internal bargaining capacity; and
- Adopting tactics and positions that address today's new labour market conditions.

To achieve these objectives, the bargaining framework proposes to:

1. Develop and implement a coordinated, union-wide bargaining framework built on inflation protection;
2. Develop and implement an aggressive bargaining outreach and communications plan;
3. Modernize MGEU's strike toolbox; and
4. Campaign for strong strike mandates.

To fulfill the third part of the bargaining framework, modernizing MGEU's strike toolbox, the Finance Committee was tasked with conducting a review of all strike-related constitutional and policy manual provisions.

The resolutions on the agenda for the 2023 Special Convention were developed through this Finance Committee review.

These resolutions propose amendments and policy changes that better support members when they decide strike action is needed to get a fair deal at the bargaining table.

Finance Committee Review of Strike-related Constitutional and Policy Manual Provisions

The Finance Committee was tasked with making recommendations to ensure MGEU's constitution and policies:

- Provide sufficient financial support to members taking job action;
- Provide strike pay even during targeted or rotating strikes;
- Ensure all members of the bargaining unit share in the burden of strike action more equitably;
- Provide for a Defense Fund that can sustainably support MGEU's strike policies; and
- Address problems that have been identified in current strike-related provisions.
- The Finance Committee's review included an examination of strike-related policies in other NUPGE unions, including those of BCGEU which recently engaged in successful job action for a new civil service collective agreement.
- Through this review, the Finance Committee made recommendations in three areas:
 - A. Strike Pay
 - B. Defense Fund
 - C. Dues

▪ **A. Strike Pay**

Qualifying for Strike Pay

Current policy requires a member to perform a minimum of 20 hours/week of picket duty in order to receive strike pay.

The picket duty requirement is a minimum. This means that members can either perform at least 20 hours of picket duty in a given week and receive full strike pay, or, if they picket fewer than 20 hours in a week, they receive no strike pay. Strike pay is not pro-rated to the number of picketing hours performed. This applies even during the first and last weeks of a strike when there may be only a partial week of strike activity during which picketing is scheduled.

The picket duty requirement does not currently make allowances for members who are unable to picket due to disability.

Currently, policies determining who qualifies for strike pay do not make any reference to lockouts as a situation when strike pay may be needed.

The Finance Committee therefore makes the following recommendations regarding the policies determining if a member qualifies for strike pay:

- **Clarify that the rules determining eligibility for strike pay apply during a lockout as well as a strike;**
- **Maintain the 20 hour/week picket duty requirement;**
- **Maintain the picket duty requirement as a minimum;**
- **Permit pro-rating of the picket duty requirement when a strike begins or ends mid-week;**
- **Permit pro-rating of the picket duty requirement during rotating or targeted strikes that only require a member to be on strike for part of the regular work week; and**

- **Expand the types of duties that count towards the 20 hour/week minimum to include “other MGEU authorized strike/lockout work,” such as working in a strike headquarters, serving on the bargaining committee, or other strike-related work.**

Amount of Strike Pay

Current policy sets strike pay at \$300/week. No income tax is levied on strike pay.

The policy does not clearly specify that members may earn strike pay during a lockout.

Current policy does not provide for pro-rating of strike pay even if the minimum picket duty requirement is pro-rated.

While the current policy commits MGEU to attempt to negotiate a continuation of essential benefits for striking members, it does not specify that this same commitment applies during a lockout.

The amount of strike pay is not related in any way to a member’s regular rate of pay.

Even taking the non-taxable status of strike pay into consideration, the current amount of strike pay is below a living wage.

The amount of strike pay may not be increased even during a targeted strike in which a minority of members in a bargaining unit are required to bear a significantly disproportionate share of the strike burden. For example, if during GOLICO bargaining, only the liquor distribution centre was required to go on strike, the current policy does not permit increased strike pay for those members undertaking the strike on behalf of the entire bargaining unit.

While strike pay is structured in a variety of ways, most NUPGE unions provide strike pay in the range of \$200-\$350/week (see [Appendix B](#)). BCGEU pays the highest amount of strike pay at \$500/week or 70% of gross income, whichever is lower. BCGEU may also authorize enhanced strike pay when a relatively small group of members within a bargaining unit is required to take strike action on behalf of the entire unit.

The Finance Committee therefore makes the following recommendations regarding the amount of strike pay:

- **Increase strike pay to \$500/week or 70% of gross pay, whichever is lower;**
- **Enable the Board of Directors, in consultation with the bargaining committee, to approve enhanced strike pay, up to a maximum of 70% of gross pay, when a targeted strike strategy requires a minority of members to undertake a significantly disproportionate share of the strike burden;**
- **Permit pro-rating of the amount of strike pay when the minimum picket duty requirement has been pro-rated;**
- **Clarify that members may earn strike pay during a lockout; and**
- **Commit the MGEU to attempt to negotiate a continuation of essential benefits during a lockout, as well as a strike.**

▪ **B. Defense Fund**

MGEU ensures the financial sustainability of strike pay and other strike costs by investing in a Defense Fund. Currently, the MGEU Defense Fund has \$37.6 million in assets.

Current policy requires that, when the Defense Fund falls below \$10 million, the Provincial Officers must conduct a review of the level of strike pay and provide a report to the Board of Directors regarding the sustainability of strike pay rates and recommendations for strike pay rates. This provision does not require a reduction in strike pay rates when the Defense Fund falls below \$10 million; it simply requires the Provincial Officers and Board of Directors to begin consideration of such a reduction.

With the proposed increase in strike pay, the Finance Committee believes it is prudent to begin consideration of changes to strike pay rates earlier than when it falls below \$10 million.

The Finance Committee therefore makes the following recommendations regarding the capacity of the Defense Fund to sustain strike pay rates:

- **Increase the threshold that triggers a review of strike pay rates from \$10 million to \$20 million.**

▪ **C. Dues**

There are several strike-related constitutional and policy provisions regarding dues rates.

Dues Exemption for Members on Strike

By current policy, members in receipt of strike pay are deemed to have fully paid their union dues. This exempts them from paying dues on strike pay while still maintaining their status as members in good standing.

While the Finance Committee supports this current policy, it notes that the current policy language is somewhat confusing and unclear: "Persons who receive strike pay from the Union will be deemed to be continuing to pay Union dues, which have been deducted at source from their strike pay." The clause, "which have been deducted at source from their strike pay," implies that dues will be deducted from strike pay and seems to contradict that dues are deemed to have been paid by members in receipt of strike pay.

This current policy also does not specify that it also applies during a lockout.

The Finance Committee therefore makes the following recommendations regarding dues on strike pay:

- **Delete "which have been deducted at source from their strike pay" from policy 4.3.4.3 (1);**
- **Add "or Lockout" to the heading for policy 4.3.4.3.**

Extra Dues when the Defense Fund Falls Below Specified Levels

The MGEU Constitution currently states that the Board of Directors "may increase your current dues by up to 25%" with a two-thirds vote if:

- The Defense Fund drops below 50% of what it was before the strike started; or
- It drops to less than \$1 million at any time; and
- The increase is used only for the Defense Fund".

The Finance Committee and Board of Directors identified a number of problems with this provision:

1. First, there are multiple possible interpretations of how high the dues rate could be increased under the “may increase your current dues by up to 25%” provision:
 - It could mean that the dues rate itself could be increased by a factor of up to 25%. For example, the current 1.25% dues rate could be increased to as much as 1.56% (because 25% of 1.25 is 0.31).
 - It could mean that the dues rate could be increased by up to 0.25. For example, the current 1.25% dues rate could be increased to 1.50%.
 - It could mean that the dues rate could be increased to as much as 25%. For example, the current dues rate could be increased from 1.25% to 25%.

This lack of clarity is of great concern, particularly given the wide range of potential interpretations.

2. Second, it does not specify how long a dues rate increase approved by the Board of Directors under this provision would continue. This is particularly concerning in light of the impact that potentially significant dues rate increases could have on members.
3. There may be situations where it is not clear how to determine the threshold that the Defense Fund has fallen below 50% of what it was “before the strike started.” For example, there may be more than one strike or lockout under way simultaneously.
4. The \$1 million threshold is much too low. If a significant dues increase were required to sustain a strike/lockout or to replenish the Defense Fund, that decision should be made well before the Defense Funds reaches \$1 million.
5. Enabling the Board of Directors to increase the dues rate, even with the requirement for an elevated two-thirds vote, contradicts a core MGEU principle that the dues rate is set by members at convention.
6. Including a provision that enables the Board of Directors to significantly increase dues without a convention undermines MGEU when working to persuade prospective members to join MGEU. Other unions can and have persuaded potential members that joining MGEU carries the risk that the Board of Directors may significantly hike up dues without a vote by members at convention.
7. It is not clear that this provision is necessary. The Constitution already includes a provision enabling the Board of Directors to call a Special Convention to consider either changes to dues or a special assessment. And technology now enables a virtual Special Convention to be convened at much less expense and with a much shorter planning timeline than was possible when such conventions had to be convened in-person.

The Finance Committee initially recommended improving this provision by:

Specifying that any dues increase approved under this provision be time-limited;

- Clarifying that any such increase could not increase dues beyond a maximum dues rate of 2%;
- Eliminating the unclear threshold to trigger this provision that was expressed in terms of the Defense Fund falling below 50% of its level before “the strike”; and
- Clarifying that the incremental additional revenue raised by such a dues increase must be deposited into the Defense Fund.

However, after further deliberation, and in consideration of the fact that a virtual special convention can now be more easily called to address such situations, the Board of Directors decided to recommend instead:

- **That this provision (C8:2) be deleted from the MGEU Constitution.**

Extra Dues during a Strike

Currently, the MGEU Constitution specifies that, when a member works while their own bargaining unit is locked out or on strike, that member will pay additional dues equal to 30% of pay. This provision would apply to both to members who choose to work during a strike and to members required to work during a strike by essential services legislation or an essential service agreement. The additional dues rate is applied in addition to the regular dues rate (currently 1.25%).

This provision further stipulates that the Board of Directors “may” also apply the additional dues rate of 30% to members who work during “an alternate job action,” such as “escalating strikes” or “rotating strikes.” In such situations, the additional dues rate is not automatic.

This provision does not permit any variation in the additional dues rate to be applied in such situations. It must be 30%.

The intent of this provision is to share the burden of strike action among all members of a bargaining unit. It also prevents members who cross a picket line from prolonging the strike and “free-riding” off the efforts of other members of the bargaining unit who are doing their part to support the bargaining committee. And it ensures that all members of a bargaining unit have an incentive to end a strike or lockout by ratifying a new collective agreement.

While the Finance Committee fully supports the intent of this provision, it notes several challenges posed by its current wording:

1. While this provision fixes the additional dues rate at 30% and does not enable any variation to this rate, there are many situations where an additional dues rate would be warranted but a different rate would be more appropriate. In some of these situations, applying an additional 30% dues rate would be inequitable and absurd. For example:
 - In some health care and other workplaces, it is not uncommon for more than 90% of bargaining unit members to be deemed essential. In such situations, MGEU would be receiving significantly more revenue from the additional dues applied to essential workers in the unit than it would be spending on the strike. It would be difficult to defend the union making money from a strike. The appropriate additional dues rate depends on, among other factors, the proportion of members deemed essential.
 - In a rotating strike situation where all members are equally required to undertake strike action, it is not clear why members should be required to pay an additional dues rate when they do work. After all, all members are already sharing equally in the strike burden. And if they are in receipt of pro-rated strike pay (as proposed at this special convention), MGEU would be paying strike pay to members while also levying additional dues on these same members. This would create unnecessary administrative work and be very difficult to justify.
 - In a targeted strike situation, the appropriate additional dues rate would depend, in large part, on the proportion of workers required to take strike action. 30% may not be the appropriate rate, particularly if the proportion of workers required to participate in strike action is low. Again, MGEU could end up earning more from the additional dues rate than it needs to spend on the strike. Determining the appropriate additional dues rate, if any, would also depend on whether or not the Board of Directors, in collaboration with the

- bargaining committee, decided, as proposed at this Special Convention, to provide enhanced strike pay to members required to participate in the targeted strike action.
- The current provision treats members required to work by essential services legislation or agreements the same as it treats members who cross a picket line. For members deemed essential, the additional dues rate aims simply to more equitably share the burden of the strike. For members who cross a picket line, the additional dues rate aims:
 - (1) To ensure that such members, who will benefit from the outcome of the strike without otherwise having shared in the burden of the strike, are required to share in the burden of the strike;
 - (2) To disincentivize members from prolonging a strike by crossing the picket line; and
 - (3) To discourage members from undermining bargaining unit solidarity. Both the Finance Committee and the Board of Directors believe a higher additional dues rate is more appropriate for the latter situation.
 - Strike tactics may evolve over the course of a strike. For example, an initial plan to engage in targeted strikes may evolve into rotating strikes. The appropriate additional dues rate for each of these tactics would be different and may need to be changed over the course of a strike. The current rigid 30% additional dues rate does not permit this.
2. In the case of “alternate job action,” it is not clear how to determine whether or not the 30% additional dues rate will be imposed if the Board of Directors and the bargaining committee do not agree.
 3. During a strike or lockout, the collective agreement is no longer in force, unless there is an essential services agreement or requirement. Where the agreement is no longer in force, there is no mechanism to collect the additional dues from members who continue to work.

The Finance Committee therefore makes the following recommendations to amend the provisions pertaining to additional dues for those who work during a strike or lockout:

- **Set different rules for each of the following situations:**
 - (1) Members who cross a picket line;**
 - (2) Members who are required to work during a strike due to essential services legislation or agreements; and**
 - (3) Members who work while other members of their bargaining unit participate in targeted strike action;**
- **Permit the Board of Directors, in consultation with the bargaining committee, to vary the additional dues rate, up to a maximum of 30%, for members required to work during a strike due to essential services legislation or agreements;**
- **Permit the Board of Directors, in consultation with the bargaining committee, to vary the additional dues rate, up to a maximum of 30%, for members who continue to work while other members of their bargaining unit participate in targeted strike action;**
- **Fix the additional dues rate for members who cross a picket line at 30%;**
- **Clarify that decisions about additional dues rates will be made by the Board of Directors, in consultation with the bargaining committee;**
- **Specify that money owing from the additional dues rate may be recovered retroactively if they cannot be collected during a strike; and**
- **Specify clearly that all revenue collected through the additional dues rate will be deposited into the Defense Fund.**

Appendix A - Example Scenarios

| Scenario | Under Current MGEU Rules... | Under the Proposed MGEU Rules... |
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| A strike begins on a Thursday in a workplace with a Monday-Friday work week. | With only two (2) days to picket, a member would not meet the weekly minimum picket duty requirement, and therefore would not receive any strike pay. | The Board could, in consultation with the bargaining committee, reduce the minimum weekly picket duty requirement for the first week of the strike to 8 hours and could adjust strike pay for that week to \$200. A member could receive \$200 strike pay for picketing four (4) hours on each of Thursday and Friday of that week. |
| A strike ends on a Thursday in a workplace with a Monday-Friday work week. | A member who pickets four (4) hours per day that week would fall short of the twenty (20) hour per week picket duty minimum, and therefore would not receive any strike pay. | The Board could, in consultation with the bargaining committee, reduce the minimum weekly picket duty requirement for the last week of the strike to sixteen (16) hours and could adjust strike pay for that week to \$400. A member could receive \$400 strike pay for picketing four (4) hours/day Monday through Thursday of that week. |
| A workplace with a Monday-Friday work week engages in rotating strikes where each member strikes two days per week | A member who pickets four (4) hours per day on each of the two days/week they participate in the rotating strike does not meet the minimum weekly picket duty requirement and therefore does not receive any strike pay. | The Board could, in consultation with the bargaining committee, reduce the minimum weekly picket duty requirement to eight (8) hours and could adjust strike pay for that week to \$200. A member who pickets four (4) hours per day on each of the two (2) days/week they participate in the rotating strike would receive \$200/week in strike pay in addition to their regular pay for working three (3) days per week. |
| A workplace with a Monday-Friday work week engages in a targeted strike where only those members employed in a strategic location go on strike. The targeted strike requires 10% of the bargaining unit to go on strike. | <p>If a member at the strategic location pickets four (4) hours/day Monday-Friday, they meet the minimum picket duty requirement and receive \$300/week in strike pay.</p> <p>Members who work at other locations may be required by the Board to pay 30% dues in addition to the regular 1.25% dues rate.</p> | <p>The Board could, in consultation with the bargaining committee, approve enhanced strike pay for members participating in the targeted strike action at approximately 100% of their regular net pay.</p> <p>The Board could, in consultation with the bargaining committee, choose not to apply any additional dues rate.</p> |

| Scenario | Under Current MGEU Rules... | Under the Proposed MGEU Rules... |
|--|--|---|
| <p>A workplace with a seven (7) day work week engages in a targeted strike where only those members employed in certain strategic locations go on strike. The targeted strike requires 30% of the bargaining unit to go on strike.</p> | <p>If a member at the strategic locations pickets four (4) hours/day for five (5) days/week, they meet the minimum picket duty requirement and receive \$300/week in strike pay.</p> <p>Members who work at other locations may be required by the Board to pay 30% dues in addition to the regular 1.25% dues rate.</p> | <p>The Board could, in consultation with the bargaining committee, approve enhanced strike pay for members participating in the targeted strike actions at approximately 90% of their regular net pay.</p> <p>The Board could, in consultation with the bargaining committee, choose to apply an additional dues rate of 10%.</p> |
| <p>A workplace with a Monday-Friday work week engages in a full strike.</p> | <p>A member who pickets four (4) hours per day Monday through Friday would meet the twenty (20) hour per week picket duty minimum, and therefore would receive \$300/week in strike pay.</p> | <p>A member who pickets four (4) hours per day Monday through Friday would meet the twenty (20) hour per week picket duty minimum, and therefore would receive strike pay in the amount of \$500/week or 70% of gross pay, whichever is lower.</p> |
| <p>A workplace with a Monday-Friday work week engages in a full strike.</p> | <p>A member who crosses the picket line is required to pay 30% dues in addition to the regular 1.25% dues rate.</p> | <p>A member who crosses the picket line is required to pay 30% dues in addition to the regular 1.25% dues rate.</p> |
| <p>A workplace with a Monday-Friday work week and an Essential Services Agreement (ESA) engages in a full strike. The ESA requires 30% of members in the bargaining unit to work during the strike.</p> | <p>Members on strike receive \$300/week in strike pay if they picket twenty (20) hours/week.</p> <p>Members required to work by the ESA must pay 30% dues in addition to the regular 1.25% dues rate.</p> | <p>If members on strike picket twenty (20) hours/week, they receive strike pay in the amount of \$500/week or 70% of gross pay, whichever is lower.</p> <p>The Board, in consultation with the bargaining committee, could choose to set an additional dues rate of 25-30% (and no higher than 30%) for members required to work by the ESA (in addition to the regular 1.25% dues rate).</p> |
| <p>A workplace with a Monday-Friday work week and an Essential Services Agreement (ESA) engages in a full strike. The ESA requires 70% of members in the bargaining unit to work during the strike.</p> | <p>Members on strike receive \$300/week in strike pay if they picket twenty (20) hours/week.</p> <p>Members required to work by the ESA must pay 30% dues in addition to the regular 1.25% dues rate.</p> | <p>If members on strike picket twenty (20) hours/week, they receive strike pay in the amount of \$500/week or 70% of gross pay, whichever is lower.</p> <p>The Board, in consultation with the bargaining committee, could choose to set an additional dues rate of 8% (and no higher than 30%) for members required to work by the ESA (in addition to the regular 1.25% dues rate).</p> |

Appendix B - Strike Pay in NUPGE Unions

New Brunswick Union

Strike pay is \$50 per day for non-essential workers. Essential workers pay additional dues to equalize their pay with that of members on the picket line.

Saskatchewan Government and General Employees Union

Strike pay is \$50 per day. Members may also take a loan from the Union to a maximum of pre-strike wages. Such loans are repaid via additional union dues after the strike.

Health Sciences Association of British Columbia

Strike pay is \$15 an hour.

Nova Scotia Government and General Employees Union

Strike pay is \$200 per week plus \$25 per dependent, with a minimum requirement of 20 hours picket duty per week. Picket captains receive an extra \$25 per week for strike-related duties.

Health Sciences Association of Alberta

Strike or lockout pay is set at Alberta's minimum wage (currently \$15/hour) up to a maximum of 40 hours per week. Members receive an additional \$40 per week for each dependent. To receive strike pay, members must perform a minimum of 4 hours per day of picket duty, up to a maximum of 7.75 hours per day.

Prince Edward Island Union of Public Sector Employees

Strike pay is \$150 per week or \$30 per weekday. Members receive an additional \$35 per dependent per week. Part-time employees receive pro-rated strike pay.

Ontario Public Service Employees Union

For the first three weeks, strike pay is \$40 per day plus \$10 per dependent per day, up to a maximum of \$250 per week. After three weeks, strike pay is \$60 per day plus \$10 per dependent per day, up to a maximum of \$350 per week. To receive strike pay, members must perform a minimum of 20 hours of picket duty per week.

Newfoundland and Labrador Association of Public Employee

Strike pay is \$300 per week. The Union pays group insurance premiums for striking members. There is, no strike pay during the first week of a strike. After six months, strike pay increases to \$400 per week.

British Columbia General Employees Union

Strike pay is \$500 per week or 70% of gross pay, whichever is less. In targeted strike situations, the Board of Directors can authorize increased strike pay.

Manitoba Association of Health Care Professionals

Strike Pay is \$50 per day. To receive strike pay, members must perform a minimum of 4 hours of picketing or other authorized duties supporting the strike that day to be eligible. Members required to work by essential services agreements are not eligible to receive strike pay on days they work. Strike Pay commences on the member's third day of picketing or other authorized duties.

Manitoba Government and General Employees Union (current)

Strike pay is \$300 per week. To receive strike pay, members must perform a minimum of 20 hours of picket duty per week. Members who work during a strike by their bargaining unit pay an additional dues rate of 30%. The Union is also committed to try to negotiate continuation of essential benefits during a strike.