CUPE EDUCATION WORKERS
MAKING SCHOOLS WORK

PHASE 2 WORK TO RULE: LEGAL RIGHTS

In response to your questions, we have consulted with CUPE Legal regarding your legal rights during the Phase 2 Work to Rule. Here's what you need to know:

➢ CUPE has been in a legal strike position on central issues since September 10, 2015.

➢ A work to rule campaign is considered a type of "strike" under the Ontario *Labour Relations Act*.

➢ It is therefore your legal right under the Ontario *Labour Relations Act* to engage in the Phase 2 Work to Rule with your union.

➢ It is illegal under the Ontario *Labour Relations Act* for your employer to interfere with, discipline, intimidate or otherwise punish you for exercising your legal right to work to rule.

➢ If your employer directs you to violate the Phase 2 Work to Rule directions, tell them you are exercising your legal right to work to rule as directed by your union and will not perform those duties. The only exception would be where student safety would be jeopardized.

➢ As stated at the beginning of the Phase 2 Work to Rule directions: "We will continue to ensure student safety." To be clear, CUPE is not asking you to refuse to perform duties where such refusal would jeopardize student safety. Having said that, your school board has been given advance notice by CUPE that you will not be performing certain duties, such as general supervision, and should be making alternate arrangements to ensure student safety. If your school board has failed to do so, tell your CUPE representative as soon as possible.

➢ So long as you are following the Phase 2 directions from CUPE, your actions in refusing to perform certain duties are protected under the Ontario *Labour Relations Act*. Therefore, in the unlikely event your employer issues discipline for not complying, tell your CUPE representatives so that CUPE can file a grievance and/or a complaint against your employer with the Ontario Labour Relations Board for acting illegally. CUPE will promptly and fully challenge any such illegal actions by your employer.

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