# BEFORE STRIKES, DIVERSIONS FROM STRIKES, and POSSIBLE CONSEQUENCES AFTER ILLEGAL STRIKES

Strike Illegal after Emergencies invoked

#### PRE-CONDITIONS TO A LEGAL STRIKE If one of these is not in place, any 1. No Collective Bargaining Agreement (CBA) in place (except the bridged over CBA); strike is illegal 2. Strike vote held with majority support; 3. File vote results with Labour Relations. Board (LR6): 4. Essential Services Agreement (ESA) in place and filed with LRB: S. Notice of strike served within 120 days of vote to If all met. strike date: but diversion 6. Strike begins on date in Notice after minimum 72 hours from time of Notice. **FORMAL MEDIATION** requested by one party **DISPUTES INQUIRY BOARD** Conditions No strike or the other (LIKE A MEDIATION) met and no allowed while > initiated by the Minister diversions. diversions if appointed before the strike ongoing begins, strike is delayed until after recommendations or vote if appointed after the strike begins, strike continues while D16 held If no agreement and no further diversion **EMERGENCIES SECTION - PUBLIC EMERGENCY TRIBUNAL** If "damage to health... is being caused or is likely to be caused because... health services have been **LEGAL STRIKE!** reduced, have ceased or are likely to be reduced UNLESS Might include: or to cease" picketing protocol > Tribunal may make binding award of CBA contents > variations to Essential

Services Agreements

## POSSIBLE CONSEQUENCES OF AN ILLEGAL STRIKE

#### BY THE EMPLOYER

- > Discipline or termination of members
- Grievances re illegal Strike (penalties and damages)
- > Dues suspensions between 1 and 6 months
- > Injunction application (for a Court order to cease strike activities)
- Civil contempt declaration if orders to cease and desist are ignored (fines)
- Criminal Contempt if disrespect or obstruction of court/justice system (criminal record and fines)

### BY THE GOVERNMENT

- Injunction application (for a Court order to cease strike activities)
- > Civil contempt declaration if orders to cease and desist are ignored (fines)
- Criminal Contempt if disrespect or obstruction of court/justice processes (criminal record and fines)
- Prosecution of employees/union officers under Div. 25 (fines, offences)
- New legislation requiring return to work, revocation of certification, and new offences and penalties

#### BY PATIENTS OR THIRD PARTIES

 Civil action against union for individuals' financial, physical, or mental harm