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|  The University of British Columbia Board of Governors | Policy No.: 64 | Approval Date: March 1980 Last Revision: February 2017 |
| | Responsible Executive: Vice-President, Human Resources | |
| Title: Non-Performance of Work during a Legal Strike | | |
| Background & Purposes: <p>The majority of the University’s faculty and staff are members of unions. In addition, the University employs many non-unionized employees including those represented by a professional employee association. Arising out of labour negotiations, there is the possibility that one or more of the University’s unions may engage in legal strike activity, including picketing.</p> <p>This policy is intended to provide guidance for the continuation of operations in academic and administrative units in the event of a legal strike by a union. Subject to limited exceptions, the University recognizes that its employees may choose not to cross picket lines during a labour dispute and this policy establishes a process for doing so.</p> <p>This policy should be read in conjunction with the University Senates’ Strike Policies and Guidelines.</p> | | |

1. Scope

- 1.1 This policy applies to all employees who are not members of the union which has issued strike notice to the University (the “Non-Striking Employees”) and to employees who are members of the union which has issued strike notice to the University (the “Striking Employees”).
- 1.2 This policy is subject to applicable employment agreements between UBC and an individual employee or a group of employees, represented or not represented by a bargaining unit, that establishes terms and conditions of employment. For greater clarity, an employment agreement includes a collective agreement, a framework agreement, or an employee handbook issued on behalf of the Director of Faculty Relations or Human Resources Advisory Services for UBC Vancouver or the Director of Human Resources for UBC Okanagan.

2. General

- 2.1 The University respects the right of its unions and its members to engage in lawful strike activity. It expects all members of the University community to uphold the UBC Respectful Environment Statement and to conduct themselves in accordance with those principles in all communications and interactions with fellow UBC community members in all University-related settings.
- 2.2 In the event of a legal strike, the University will take every reasonable measure to remain open. It will endeavor to maintain instruction in all courses, provide access to core library services and internet connectivity, oversee examinations as scheduled, provide core student health and safety services and core services to student residents, and maintain minimal operational facilities to preserve research. The University will remain open unless there is an official announcement to the contrary. Information relating to a strike or potential strike will be available at www.ubc.ca and employees should check this site for additional information.

3. Crossing Picket Lines

- 3.1 Subject to the limited exceptions set out in Section 4 of this Policy, Non-Striking Employees may choose not to cross picket lines during a labour dispute.
- 3.2 Unions are required to provide 72 hours strike notice to the University. However, the University may not be able to advise beforehand which areas or buildings may be picketed. It is possible for pickets to move around and access to buildings may vary throughout the day.
- 3.3 A Non-Striking Employee who intends not to cross a picket line during a labour dispute should inform his or her Department Head or Supervisor as soon as possible, normally within 48 hours after a union provides strike notice to the University.
- 3.4 Non-Striking Employees who choose not to cross picket lines and thus choose not to perform all their duties and responsibilities will not be paid for the period of non-performance.
- 3.5 Department Heads and Supervisors who choose to cross picket lines should endeavor to maintain normal operations within their academic and administrative units.
- 3.6 Subject to the limited exceptions set out in Section 4 of this Policy, Non-Striking Employees who choose to cross picket lines will not be required to perform work which would normally be carried out by Striking Employees.

4. Exceptions

- 4.1 Pursuant to the British Columbia *Labour Relations Code*, the Labour Relations Board may designate through an Essential Services Order that certain facilities, departments, and services are necessary or essential to prevent immediate and serious danger to the health, safety, or welfare of the residents of British Columbia.
- 4.2 Notwithstanding Section 3.1 of this Policy, all Striking and Non-Striking Employees designated as providing an essential service pursuant to an Essential Services Order will be expected to fulfil all normal duties and responsibilities within the scope of their employment as may be reasonably assigned.
- 4.3 Notwithstanding Sections 3.1 and 3.6 of this Policy, the University reserves the right to instruct any member of AAPS or excluded Management and Professional employees (together, "M&P Employees") to cross picket lines and attend work in the following circumstances:
 - 4.3.1 In facilities or departments where an Essential Services Order requires the University to utilize managers prior to utilizing unionized employees, the University will instruct those M&P Employees qualified to perform the essential services to do so to the extent ordered by the Labour Relations Board; and
 - 4.3.2 To the extent it is necessary to maintain minimal operations or core services as described in Section 2.2 of this Policy:
 - 4.3.2.1 the University may instruct qualified M&P Employees to attend as directed and perform duties as assigned; and
 - 4.3.2.2 where M&P Employees are required to perform essential services as described in Section 4.3.1 of this Policy, the University may instruct other M&P Employees to backfill the work carried out by the M&P Employees who are occupied providing essential services.