

Hours of Work and Work to Rule - What it Means

Management is trying to implement their interpretation of the Hours of Work clause and to interfere with our legal right to take job action. The following points are key to this issue.

- On June 28 the CFPA notified the employer (TB/TC/TSB) of impending job action:

*As of 00:01hours July 2, 2002 the CFPA membership will be in a legal strike position. It is the intention of the CFPA to initiate job action against the employer effective July 2, 2002. The employer can initially expect a "work to rule" plan to commence and a **restriction of the performance of duties to normal working hours only.***

- **Normal working hours are 7.5 hours per day within the period of 0700-1800, Monday to Friday. These hours are fixed for each employee and do not vary from day to day.**
[Refs: Transport Canada Personnel Manual (TP116) Section 4-8, and Treasury Board Flexible Hours of Work Policy]

- **Managers may not "lock out" employees, nor are they permitted to interfere or attempt to influence employees in exercising their legal right to strike.**
[Ref: Strike Handbook For Managers Transport Canada - TP2301]

- **Employees in a legal strike position:**

- may participate in strike activity, including withdrawing their services and picketing in front of Transport Canada premises in a peaceful manner;
- employees will not be paid if they withdraw their services;
- **may refuse overtime work without fear of reprisals;**
- **may choose to report to work and be paid for their services;**

[Ref: Strike Handbook For Managers Transport Canada - TP2301]

Given the above references, there is no question that:

- **CFPA members have a legal right to take work action against the employer**
- **CFPA members have a right to work normal working hours**
- **The employer is specifically prohibited by legislation from trying to intimidate or prevent employees from exercising their legal rights**

Summary Points for Clarification

- **We are simply "working to rule" and restricting the provision of our services to normal working hours only.**
- **We are in a legal strike position; this has nothing to do with contract clause interpretations or localized overtime restrictions.**

- As a point of interest, during the conciliation board hearings, the employer withdrew their proposal to change the Hours of Work clause, and agreed to renew the current clause without condition.
- This recent concerted effort by management to renege on agreements reached at the bargaining table and apply their interpretation, is a **sure sign of what we will face as soon as this strike is over if we do not all stand together now.**
- Management seems not to understand the difference between trying to implement a contract interpretation and the intimidation of employees and interfering with a lawful strike. **We must be totally solid and unified in this simple exercise no matter how misinformed management may be.**
- **Any threats, intimidation, or illegal lock-outs of CFPA members must be reported immediately to the CFPA National Office** where swift and decisive action will be taken to support our members and rectify the situation.