

Strike and Defence Policy

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STRIKE AND DEFENCE POLICY

This policy is a supplement to the Unifor Constitution. It falls within the authority of the National Executive Board. As referenced in Article 17.B.5 of the Unifor Constitution, strike authorization by the President is governed by this policy. As referenced in Article 17.C.3 of the Unifor Constitution, the Strike and Defence fund is governed and managed according to this policy.

PURPOSE

1. The primary purpose of the Strike and Defence Fund (the Fund) is to support members who participate in authorized strikes or lockouts. It is the role of all levels of leadership and staff of the union to support members during authorized strikes or lockouts.
2. A regulated portion of the Fund may be used for campaigns and defence of the membership with the approval of the National Executive Board.
3. Fundamental to the concept of the Fund is the principle that success in a strike or lockout situation cannot be purchased. The unity and sacrifice necessary to win a conflict is never dependent on finances alone. The Fund and this policy reinforce our members' solidarity, but can never replace it.

DEFENCE FUND BENEFITS AND OPERATING PRINCIPLES

4. The following principles govern the operation of the Fund.
5. A percentage of the National dues received as determined by Article 16.15 of the Constitution will be transferred to the Fund by a monthly transfer into a separate account.
6. The Fund shall be used to assist Locals in the event of a strike or lockout.

7. Strike benefits shall be paid according to Article 17.C.4 of the Constitution. That Article is:
 - Beginning on the first day of a strike or lockout, the Strike and Defence Fund shall pay benefits of \$350.00 for each week of an authorized strike or lockout. Benefits for a partial week shall be prorated. The Strike and Defence Fund shall also pay additional medical, health or special assistance as provided for in the Strike and Defence Policy and criteria established by the National Executive Board.
8. All strike votes and ratification votes are governed by Article 17 of the Constitution and eligibility for benefits from the Fund may be denied if an appropriate strike or ratification vote was not properly conducted.
9. Local Unions which are in arrears in their National dues, Regional or Quebec Council dues or other assessments, or which have failed to reconcile accounts from previous payments from the Fund, may be denied access to benefits.
10. Where Local Unions have no right to strike or face compulsory arbitration they may apply to the National Secretary Treasurer for assistance from the Fund to meet the cost of extraordinary expenditures.
11. An amount not exceeding the National dues income of the Fund in the previous year may be used upon recommendation of the National Secretary Treasurer and approval of the National Executive Board for special campaigns to defend the Union and its membership, e.g. special or mobilization campaigns to protect and promote employment and good jobs, legislative campaigns, defending against raids, boycotts, expenses arising out of court or arbitration cases related to strikes or lockouts or other matters, that have broad national implications including the defense of social and democratic unionism. All expenditures will be made because of National Union priorities and strategic legal considerations.
12. Special campaigns can include assistance to workers in other unions involved in disputes of national importance.
13. Administrative costs shall be paid out of the Fund.
14. All other disbursements must be supported by a National Executive Board resolution or an Executive Board poll conducted by the National Secretary Treasurer.
15. All requests for assistance will be submitted to the National Secretary Treasurer for acceptance in advance of arbitrations, legal cases or campaigns commencing.
16. Any dispute about eligibility for benefits from the Fund shall be decided by the National Executive Board, whose decision shall be final.

17. Should the Defence Fund be depleted, the National Executive Board shall have the authority to borrow money as necessary to meet its obligations.

ADMINISTRATION OF THE FUND

18. Overall responsibility for all operations of the Fund resides with the National Executive Board. For administrative efficiency and in accordance with the Constitution, the following specific duties shall be carried out.
19. The President of the National Union, or designate (Assistant to the President or Quebec Director), shall:
- Authorize strike action by and release strike authorization to a Local, Locals or bargaining units at the appropriate time;
 - Review and approve Strike Support Plans in accordance to this policy;
 - Approve fund payments to a Local or Locals;
 - Designate and assign responsibility for the proper conduct of a strike or lockout to the appropriate Assistant, Quebec Director, Regional Director or Representative(s);
 - Ensure that the National Executive Board is kept informed of important developments;
 - Provide information and notification to, and seek recommendations from the Quebec Director, Regional Directors and Assistants as appropriate throughout a strike or lockout.
20. The Secretary Treasurer of the National Union, or designate, shall:
- Be responsible for maintenance of the Fund in accordance with the Constitution;
 - Advise the President of the National Union of the current status of a Local or Locals involved in a dispute, including the number of members in good standing in the bargaining unit(s) involved according to National Union records;
 - Arrange for Fund payments, in accordance with proper procedures, to a Local or Locals involved in a dispute;
 - Invest monies of the Fund to achieve the best possible return for the good of the membership;
 - Provide written reports on the status of the Fund, including balance, payments made to Locals and members, investments and investment plans, at regular meetings of the National Executive Board, and provide an audited financial statement at least once a year and at other times as required or directed by the National Executive Board;
 - Furnish any forms or directives in connection with the administration of the Fund, which may be required from time to time;
 - Ensure that a Local or Locals involved in a dispute are properly trained and prepared on the Defence Fund Rules and on Strike Authorization Procedures.

- Shall have the authority to make final decision on behalf of the National Union on issues that may fall outside of this policy

STRIKE AUTHORIZATION

21. Strike authorization and all payments from the Fund are authorized by the President under Article 17 of the Constitution.
22. The President shall grant strike authorization if a strike vote was held in accordance with the Constitution and if the membership have clearly authorized a strike as provided for in this Policy. The President has the responsibility to withhold authorization if a strike would result in serious harm to the membership or the National Union.
23. A strong strike mandate is an important element in successful bargaining. It sends a clear message to the employer and it strengthens and demonstrates the solidarity of our members. Leadership and staff should strive to achieve at least 66 2/3% and as high a vote as possible. If this is not achieved, the President shall determine whether a strike is warranted by strategic considerations.
24. As a matter of bargaining strategy, and subject to the differing laws of each jurisdiction, a strike vote is often taken early in the bargaining process. When this occurs, strike authorization requests should be delayed until a strike is considered possible.
25. If a new and substantive offer has been made subsequent to a strike vote, the President shall determine whether the new offer has been considered by the membership, or appropriately considered and rejected by the Bargaining Committee.
26. A request for strike authorization shall be sent to the President by the National Representative assigned to the bargaining, and a copy of the request for authorization shall be sent to the Assistant, Quebec Director or Regional Director and to the Strike and Defence Department.
27. Typically, strike authorization may require 72 hours' notice in order to be properly considered by the office of the President.
28. A request for strike authorization shall be completed on a form provided by the office of the President and include the following information:
 - Description of the employer, workplace and members affected by the dispute;
 - Status of negotiations, mediation or conciliation, including outstanding issues;
 - Details of the strike vote, including date, location, voter turnout and voting results;

- Other unions or workers that would be affected by a strike;
 - Strategic matters that would affect the conduct of a strike, including pattern or industry bargaining considerations, corporate relationships, supply chains and government policy or interventions.
29. The Quebec Director or the Regional Director shall provide additional information to and advise the President if required.
 30. Strike authorization shall be signed by the President (Assistant to the President or Quebec Director) and sent to the Regional Director, or designated Representative and to the Strike and Defence Fund Department. No work stoppage shall take place until the authorization has been released as per this policy.
 31. If the circumstances which gave rise to a strike authorization have substantially changed, the President may withdraw strike authorization, subject to the approval of the National Executive Board.
 32. Strike authorization ends with the ratification of an agreement that ends a strike or lockout.

ELIGIBILITY FOR BENEFITS

33. If a labour dispute commences, Local Unions or bargaining units shall establish a Local Strike Committee to assist in the implementation of this policy.
34. Rules of eligibility for strike assistance concerning hours of picketing or other strike-related duties shall be a minimum of 24 hours in each week or as determined by the offices of the President and Secretary Treasurer, in consultation with the responsible Unifor staff, the local strike committee and the Strike and Defence Department.
35. Under no circumstances will a member be eligible for strike assistance unless that member performs the strike-related duty assigned or is duly exempted from performing that duty by the Local Strike Committee.
 - a. Subject to written request and approval of the National Executive Board, a Local Strike Committee may distribute weekly strike pay on an “accumulated hours of picket duty” basis. This shall apply only in exceptional circumstances. Each request shall be reviewed and decided by the National Executive Board on a case-by-case basis.
36. A surviving spouse of a member who passes away during a dispute may continue to receive assistance from the Fund on an equitable basis. The surviving spouse must sign a form acknowledging the amount and that such payment has been received.

The National President may approve alternative arrangements in special or unusual circumstances.

37. Any member receiving Workers Compensation, Employment Insurance, vacation pay or any similar form of income will not be eligible to receive strike assistance from the Fund. However, it is understood that members may still receive strike assistance even if they receive other employment income if they meet all other requirements of this policy.

PAYMENTS TO MEMBERS AND LOCAL UNIONS

38. The Local must send a complete list of their members in good standing in an electronic format stating the status of each member and their eligibility.
39. For clarification, only those members (or the surviving spouse of a member who passes away during the dispute), who are working in the bargaining unit where the strike or lockout occurs and on whose behalf national dues to the National Union have been paid (or have been exempted from paying per capita in accordance with the Constitution) will be counted. Excluded will be individuals the Local has reported as "gone", "left", etc., but are still considered members in good standing because they are not more than three (3) months in arrears in per capita.
40. Newly hired members: The Defence Fund payments on behalf of these members will not be made until the Local provides adequate documentation concerning the good standing of those members.
41. Newly organized units shall receive strike assistance based upon the membership application cards received by the National Union, or an authenticated list signed by the Local Union Secretary Treasurer, no later than the Friday of the week in which the dispute commences.
42. In the case of Amalgamated Locals which do not break down their National Dues reports by separate bargaining units, such a Local shall send to the Secretary Treasurer of the National Union a list of the names of the members in the affected bargaining units as of the commencement of the strike or lockout before they can receive any payment or strike pay from the Fund.
43. Members returning from leaves during the dispute may be added to the list, starting on their return date, if the Local provides adequate information.
44. All strike assistance to members shall be paid in person only, by cheque. The Fund will provide the weekly strike cheques and members list to the local's designate who will be responsible for the distribution to the members who have completed their full duty as defined by the strike committee.

45. Cheques covering the total entitlement for the Local Union will be issued on Day 8 of the conflict and include \$350 per member for the first week of the dispute, or \$50 per day. Payments shall be made each seven (7) days thereafter.
46. In accordance with Article 17 of the Constitution, payments will cease upon the following:
 - i. The individual member's return to work date, or
 - ii. The date the individual member qualifies for Employment Insurance.

STRIKE PLAN SUPPORT

47. In addition to benefits to members as provided by the Constitution and subject to the approval by the President of the National Union, additional support may be provided to support a strike plan covering costs for receipted costs directly associated with administering the strike or lockout, including picket line facilities and special needs.
48. A strike support plan, set out on a form provided by the office of the President, once approved, shall be funded taking into account factors such as the number of members involved in the dispute, the number of sites to be picketed, gates or picket lines, the location of the dispute etc.

CONCLUSION OF DISPUTE

49. Within 90 days of the ratification date of the agreement that put an end to the strike or lockout, the Local Union shall ensure that all outstanding cheques distributed to members are deposited. The Local Union shall provide copies of all strike receipts and return all undistributed cheques to the National Union. Failure to comply may result in revocation or suspension of Charter in accordance with our Constitution.

DONATIONS AND APPEALS FOR FINANCIAL ASSISTANCE

50. Appeals for financial assistance to each Local Union and outside organizations may be made after the fifth week of a dispute by the President of the National Union after consultation with the Quebec Director or Regional Director(s) involved.
51. Monies received from donations and appeals must be distributed to the members by the Local.

REVIEW PERIOD

52. This policy shall be overseen and reviewed as required, and no less than every third year, by the office of the National Secretary Treasurer in consultation with the Strike and Defence Department. Any amendments to this policy must be approved

by the National Executive Board.

Revision history	Approval date:
November 7, 2019 September 9, 2020 - to include resolution from Local 597	

References
• Resolution to NEB September 9, 2020 - Amendment from Unifor Local 597: Distribution of Strike Pay Based on Accumulated Hours of Assigned Picket Duty. • Local 597 Option form for Students

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