



Your Right to Choose Regarding Work-to-Rule

Management Bargaining Update January 4

As we move into the new year and the new term, we recognize the right of CAAT-A to call for labour action. We also want to underscore the rights of employees to participate in that action or to choose not to do so.

The Union has said “we are in the midst of job action which entails limiting our work to the letter of the collective agreement. This is not voluntary.” Following this messaging, some employees have asked “am I required to participate in the CAAT-A work-to-rule?” The short answer is no. You have the right to participate in the work-to-rule or not to. It is your choice.

Every employee has the legally protected right to choose to participate, or not to participate, in any Union activity including work-to-rule or other strike action. Article 3.02 of the collective agreement between OPSEU and the Colleges provides:

The Colleges and the Union agree that there will be no intimidation, discrimination, interference, restraint or coercion exercised or practiced by either of them or their representatives or members because of ... an **employee's activity or lack of activity in the Union**

Similarly, subsection 53 (5) of the *Colleges Collective Bargaining Act, 2008*, provides:

No person or employee organization shall seek by intimidation or coercion to compel any person to ... **to refrain from exercising any other rights under this Act** or from performing any obligations under this Act.

The right to strike includes the right not to strike.

The Union, the Colleges, and all employees are prohibited from taking any negative action against any employee because of that employee’s individual decision to participate, or not to participate, in the activities of the Union. That includes work-to-rule and other strike action. The Colleges will consider any breach of this provision to be a very serious matter. Should any employee experience bullying, intimidation or coercion related to their choice to participate or not, they should report the matter to their Human Resources Department as soon as possible.

As cited above, CAAT-A has said that work-to-rule entails working to the letter of the collective agreement. In that respect, CAAT-A has suggested that employees follow their SWFs to the letter. As a reminder, the collective agreement requires teachers to perform such work as is necessary to deliver their assigned courses to students in accordance with the course outline to the best of their ability and the standard required by the College.

A SWF is not designed to speak to the whole of the work individual teachers do to fulfill their responsibilities within the college. It is simply a tool for consistently assigning courses across the system. For example, the SWF attributes the same notional preparation and evaluation time in every week. However, as you know, there will be some weeks when less evaluation or



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preparation occurs and others when more is required. If you have questions regarding your work obligations, you should speak to your academic manager.