

Definition of a Strike

Ontario Labour Relations Act

S.1(1) Definitions: "strike" includes a cessation of work, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding, or a slow-down or other concerted activity on the part of employees designed to restrict or limit output.

Under Crown Employees Collective Bargaining Act a lawful strike is defined as:

S 28 (1). The following conditions must exist for a strike by employees in a designated bargaining unit to be lawful:

1. The strike must otherwise be lawful.
2. A strike by employees in every other designated bargaining unit that is represented by a bargaining agent must be lawful.
3. Employees in each of those designated bargaining units must begin to strike simultaneously.

(2) does not include employees in a designated bargaining unit for which an agreement has been settled.

If a strike, as defined, occurs prior to a 'no board' and when the union is not in a legal strike position, the union can be charged with an illegal strike.

Illegal strikes are determined by rulings at the OLRB and include several key points:

1. Employer makes immediate application to the Board for 'a cease and desist order' injunction and asks that the Board use its full remedial powers.
2. Employees who participate in an illegal strike are subject to discipline up to and including discharge
3. Court injunction if the Board orders are disobeyed
4. Fines and jail sentences if found in contempt of court for Breach of orders.
5. Employer may also sue for damages individually and to the union (in past, have cost other unions millions of dollars)
6. Union activists (as recognized leaders) can be sued and court finds that they should receive disproportionate penalties because of their leadership role. Leadership will be held accountable.