



Strike and Lockout Benefit and Defence Fund

SECOND CANADIAN CONVENTION OF COPE
June 8, 9 and 10, 2007
Loews Le Concorde Hotel, Quebec, Québec

STRIKE AND LOCKOUT BENEFIT AND DEFENCE FUND,
hereinafter called "the Fund"

REGULATIONS

Pursuant to Article 19 of the Constitution of the Canadian Office and Professional Employees' Union (COPE), these regulations for the administration of the Fund come into effect as of June 11, 2007.

1. MAINTENANCE OF THE FUND

- 1.1 The Fund, established in accordance with the Constitution, shall be maintained in an account in banks or other financial institutions as specified in Article 11 of the Constitution.
- 1.2 The National Executive is authorized to use their discretion with respect to the administration of the Fund to the extent that they may provide, reduce or terminate benefits in order to insure some degree of equity and efficiency in the distribution of these benefits and in accordance with these regulations.

2. ELIGIBILITY FOR BENEFITS

- 2.1 Any member of a Local union who is on strike or locked out may be eligible to receive weekly benefits from the Fund starting on the eighth calendar day of such strike or lock-out. A member may be eligible to receive benefits from his/her sixth cumulative actual day lost due to a rotating strike or lock-out.
- 2.2 Any Local union which has called a strike or is involved in a lock-out shall furnish the National Union with a list of those active members eligible to receive benefits in accordance with the form prescribed by the National Union. Such list shall be certified as being correct by the Local union President and Secretary-Treasurer.

- 2.3 Except in the case of rotating strikes, members who, at or after the beginning of any strike or lock-out, receive any vacation pay or allowances, disability benefits, unemployment compensation or sick leave benefits, shall not be eligible to receive benefits from the Fund until the beginning of the eighth calendar day after the termination of any such payments.
- 2.4 A member of the Local union who is respecting a picket line of some other union on strike or lockout may be eligible for benefits on the eighth calendar day following the beginning of the observance of such picket line in accordance with the policy established by the National Executive.

3. APPLICATION FOR BENEFITS

- 3.1 Each Local union Secretary-Treasurer whose Local union is involved in a strike or lockout shall make application to the National Secretary-Treasurer with the prescribed form furnished by the National Union for the payment of benefits beginning with the first eligible date. Each application shall be for one week and must be renewed for each week of eligibility thereafter.

4. PAYMENT OF BENEFITS

- 4.1 Benefits in cases of a strike or a lock-out may be paid up to a maximum of \$48.00 per day or \$240.00 per week dependent on the solvency of the Fund as determined by the National Executive and in accordance with the National Constitution and these regulations.
- 4.2 A member who on the eve of the beginning of the strike or lock-out occupied a full-time position is eligible to receive benefits from the Fund up to a maximum of \$240 per week provided this member performs the strike or lock-out duties as determined by his/her Local union.
- 4.3 A member who on the eve of the beginning of the strike or lock-out occupied a part-time position is eligible to receive prorated benefits established by dividing the number of hours of his/her position by the number of hours worked by a member holding a full-time position who may be eligible to benefits up to a maximum of \$240 per week, provided the member performs the strike or lock-out duties as determined by his/her Local union. For example, when a member who occupied a full-time position of 35 hours would be eligible to benefits amounting to \$240 per week a member with a part-time position of 17.5 hours would be eligible to receive benefits from the Fund amounting to \$120 per week.
- 4.4 A member in a part-time position who can document that in a twelve week period preceding the beginning of the strike or lock-out he/she has worked more hours than his/her part-time position will be eligible to receive benefits based on the average hours worked during the period.
- 4.5 In the event of a rotating strike or lock-out, only members whose work schedule included the day or days of strike or lock-out will be eligible to receive benefits from the Fund, on the sixth calendar day following the beginning of the strike.
- 4.6 When benefits are paid to the Local union any member who has been denied benefits from the Fund may appeal to the National Secretary-Treasurer within ten calendar days of the denial. If the National Secretary-Treasurer determines that a member should have been entitled to receive benefits at the time of distribution, these benefits shall be immediately paid to the member concerned.

5. DEFENCE OF THE UNION AND ITS MEMBERS

5.1 The primary purpose of the Fund is to pay strike and lockout benefits to its members. The Fund, however, may also be used to combat attacks against the existence or the progress of the union, notably but not restrictively the Fund may be used in the following cases:

5.1.1 If a member is suspended or dismissed as a result of union activities, the member may be eligible to receive benefits under Article 4 provided the following conditions are met:

- a) Request must be made by the Local union to which the member belongs;
- b) The Local union and/or the member must have initiated recourse contesting his/her suspension or dismissal before a competent authority;
- c) Payment of benefits shall cease on the first of the following:
 - after fifty (50) weeks of benefits;
 - the competent authority has rendered a final decision;
 - an agreement settling the dispute has been reached.
- d) The Local union must fill out the form prescribed by the National Executive and agree to reimburse the National Union part or all of the benefits paid to the member should the latter receive monetary compensation for the period of the dismissal or suspension;
- e) All sums paid to a member may be reduced by any other monies received such as Employment Insurance, any employment income, and any other government agency;
- f) All questions with regards to the application or interpretation of paragraphs a) to e) shall be dealt with by the National President, the National Secretary-Treasurer and the Regional Vice President of the Region concerned.

5.1.2 In cases where a bargaining unit has no right to strike during the bargaining of the collective agreement and who is required by law to go to binding arbitration to obtain a resolution, the Local union may apply to the National Executive to assist with the fees and expenses of the arbitrator.

5.1.3 Local unions with a legal strike mandate who choose to submit the dispute to binding arbitration to avoid a lengthy and/or costly labour dispute may request financial assistance from the National Executive.

5.1.4 The National Executive may cover all or part of the fees and expenses of the arbitrator.

6. ADMINISTRATION

6.1 Both the National Secretary-Treasurer and the Local union Secretary-Treasurer shall keep such records as may be required from time to time for the proper administration of the Fund.

Such records shall be maintained in their respective union files for a period of five years from payment.

- 6.2 Clerical and other expenses of administration of the Fund shall not be chargeable to the Fund in any manner whatsoever.