

STRIKE FACT SHEET

FOR WORKERS WITH TEMPORARY WORK PERMITS

CUPE

I'M A MEMBER WITH A TEMPORARY WORK PERMIT. IS IT LEGAL FOR ME TO PARTICIPATE IN A STRIKE?

Yes. Striking is completely legal for non-citizens working in Canada. It is a protected activity under the Canadian Charter of Rights and Freedoms.

You cannot be punished for participating in a strike, performing strike duties, and/or showing support for the Union during contract negotiations.

You are allowed to receive strike pay and perform strike duties with a temporary work or study permit.

DOES A STRIKE IMPACT MY WORK OR STUDY PERMIT?

No. Immigration, Refugees and Citizenship Canada (IRCC) recognizes that the rights of all workers, including workers with Temporary Foreign Worker (TFW) permits, Post Graduate Work Permits (PGWP) and international student permits, are protected by law. If you have a temporary work permit, you have the same rights and protections as Canadians and permanent residents.

The Nova Scotia Trade Union Act protects all workers' rights to participate in legal strikes and makes it unlawful for employers to intimidate employees into refusing to strike.

You cannot lose your visa or work permit by voting in a strike, in a contract ratification vote, or by taking part in a strike. All votes are confidential.

It is, however, still your responsibility to ensure your immigration status remains valid. At least 30 days before the expiry of your immigration document you should renew. If you anticipate

your work permit expiring during the period of the strike you should initiate the paperwork for renewal immediately.

WILL MY APPLICATION FOR PERMANENT RESIDENCE (PR) BE AFFECTED WHILE ON STRIKE?

Being on strike is legal and cannot be used to penalize you or affect the outcome of your PR application.

For the period you are on strike, you will however not be working and therefore unable to collect the work hours you may need to qualify to apply for PR. So, depending on the type of PR application and the stage of process you are in, the work hour requirement for the application may be impacted. Speak to your union and an immigration expert to determine your options.

AM I ELIGIBLE FOR STRIKE PAY?

If you participate in strike duties, you will be eligible to receive strike pay. Strike pay is tax-free and members with temporary work permits are as eligible as any other worker to receive it.

WILL CUPE SUPPORT ME IF THERE IS EMPLOYER BACKLASH OR OTHER ISSUES?

As addressed above, it is illegal for the employer to punish you for strike participation. In the very unlikely event that they do, CUPE will fully support you through all relevant legal processes.

We recognize that working with precarious immigration status creates fear and vulnerability. CUPE will support you through this process.