

Strike fact sheet for members with temporary work permits

CUPE

I'm a member with a temporary work permit. Is it legal for me to take part in a strike?

Yes. If you have a temporary work permit, your right to strike is protected, just like Canadian citizens and permanent residents. It is a protected activity under the *Canadian Charter of Rights and Freedoms* and labour legislation.

You cannot be punished for participating in a legal strike, performing strike duties, and supporting the union during contract negotiations.

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

Does a strike affect my work or study permit?

No. Immigration, Refugees and Citizenship Canada (IRCC) recognize that the rights of all workers are protected by law including workers in the Temporary Foreign Worker (TFW) Program, or with a post-graduation work permit (PGWP), or an international student permit.

Labour legislation in your province or territory and the *Charter* will protect your right to participate in legal strikes and protect your status as an employee during a strike.

Depending on your jurisdiction, it is likely illegal for employers to intimidate workers into refusing to strike.

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

However, it is still your responsibility to keep your immigration status valid. According to IRCC, you should renew your immigration document at least 30 days before it expires. If your work permit will expire during a strike, you should start the paperwork for renewal immediately.

Will my application for permanent residence (PR) be affected while on strike?

Being on a legal strike cannot be used to punish you or affect the outcome of your PR application.

For the period you are on strike, you will not be working but will still be legally employed. This means you won't collect the work hours you may need to qualify to apply for PR.

Depending on the type of PR application and the stage of the process you are in, the work hour requirement for your application may be affected. Talk to your union and an immigration expert to learn about your options.

Am I eligible for strike pay?

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

Will CUPE support me if my employer tries to punish me for striking?

It is illegal for the employer to punish you for taking part in a strike. If they do, CUPE will fully support you through all relevant legal processes.

We recognize that you may feel afraid and vulnerable if you are working with temporary immigration status. CUPE will support you through this process.

Disclaimer: This fact sheet offers legal information, not advice. For advice related to your situation, talk to your CUPE National Representative and an immigration expert.

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