



NEWSLETTER – OVERTIME FOR MANAGERS DURING PERIODS OF STRIKES

November 30th 2023

Dear members,

As we are receiving a lot of questions and requests right now, regarding overtime payable during an exceptional measure such as a strike, we are sending you this Newsletter in order to help you see things more clearly and to provide tools to help you:

1. “It is the unions who decide and manage our working time”

No and yes. Since the amendments to the Labor Code in 2019, who will have to work during the strike periods has to be planned by the employer and the unions. Before a strike by unionized employees, employers and unions must agree, in detail, on the essential measures and how the managers will be “used” in order to allow union members to exercise their right to strike.

This agreement must be submitted for approval to the Administrative Labor Tribunal (TAT). Furthermore, and upon request, the employer provides the unions, **every three days**, a report establishing the number of hours worked daily in essential services by each manager, in place of the employees. The report must indicate for which care units or categories of care or services and in which facility these hours were worked.

If there is a problem, according to the union, the employer with the union must agree on a new agreement which will be submitted to the TAT.

Consequently, you have the impression of being spied on, followed, observed...you are not wrong! We are adding the PowerPoint of our training concerning the new terms of the Labor Code which have an impact on managers.

2. Payment for overtime during strike periods

We know from your emails and meetings that payment for overtime from the 36th hour, varies from one establishment to another, even from one department to another in the same establishment.

The APER maintains that we are in “exceptional measures” as described in your local management policies (LMP), during strike periods and that consequently, we are not in normal times and that hours worked after 35 hours per week must be paid.

We are forwarding to you again the letter from the MSSS sent to the HR departments of the establishments, they confirm that these are exceptional measures during strike periods and that the LMP apply.

When the government pays pay equity for managers, **it pays it based on a work week of 35 hours/week...not 40 hours.**

As it may be “normal” to exceptionally (!!) work more than 35 hours per week in normal times, hours worked after 35 hours, in times of exceptional measures, are payable.

If your employer is one of those that does not pay overtime, please enter all of your overtime on your timesheet and create a file of your hours that you can send to the following address: association@aper.qc.ca indicating in the subject: **Overtime.**

Once the strike periods are over, the APER will file collective disagreements for each of the employers in default.

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