

# INTERNATIONAL STUDENTS AND WORKERS STRIKE FACTSHEET

**CUPE**

## **I'M AN INTERNATIONAL STUDENT OR INTERNATIONAL WORKER MEMBER. IS IT LEGAL FOR ME TO PARTICIPATE IN A STRIKE?**

Yes. Not only is striking entirely 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 under your study permit to attend a college or university in Canada. A strike doesn't change the fact that a university may be both your school and your employer.

## **DOES A STRIKE IMPACT MY WORK OR STUDY PERMIT?**

No. Your study permit is tied to your student enrolment, not your employment.

In addition, Ontario's Labour Relations Act protects all workers' rights, including international students, 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.

Immigration, Refugees and Citizenship Canada (IRCC) protects foreign workers' right to lawfully strike and provides protections to study permits when international students are unable to complete their studies due to circumstances entirely beyond their control, such as a strike. Their website states:

"This situation is beyond your control, and your status as a study permit holder should not be affected. As a result of the strike, you will

- not face any penalty or enforcement action because you can't pursue your studies during this time
- be able to work off campus for up to 20 hours per week if your study permit allows you to work (and also work full-time during regular breaks such as winter holidays and reading week)
- still be eligible for the Post-Graduation Work Permit Program

You must continue to have valid status as a student in Canada to be able to return to class after the labour dispute is resolved. If you need to apply to

extend your study permit during the strike, include a letter from the registrar of your designated learning institution that confirms that the strike has stopped you from attending school and pursuing your studies."

<https://ircc.canada.ca/english/helpcentre/answer.asp?qnum=1367&top=15>

## **HOW WILL CUPE SUPPORT ME AS AN INTERNATIONAL STUDENT IF THERE IS EMPLOYER BACKLASH?**

As addressed above, it is illegal for your employer to punish you for strike participation. In the very unlikely event that the employer engages in these illegal actions, CUPE will fully support you through the relevant legal processes.

## **WHAT HAPPENS TO MY GRADUATE FUNDING DURING A STRIKE?**

For students who are members of non-academic CUPE locals, your work is not tied to your studies in the same way it is for teaching assistants or research assistants. For example, if you work part-time in foodservices, your job is not related to your status as a student, just as it would be unrelated if you worked a job off campus. So, a strike should not affect your student funding in any way and should not directly interfere with your studies.

That said, your work income will stop while you are on strike. If you participate in strike duties, you can receive up to \$350 per week in strike pay. Strike pay is tax-free and international students and other international workers are just as eligible as any domestic students or other workers.

## **CAN INTERNATIONAL STUDENTS ACCESS THE HARDSHIP FUND?**

During a strike, your local may operate a hardship fund for members who are facing financial crises. This would be a fund for CUPE members who are participating in the strike to receive money in addition to strike pay. All CUPE members may apply to the hardship fund equally.