

Using subcontractors during a strike

Q. We are putting together a strike contingency plan. One option we have considered is subcontracting out certain jobs for the duration of a strike. Are we obligated to bargain with the union over subcontracting during a strike? Do we have to raise this issue with the union before the union goes out on strike?

A. While strike contingency planning is a complicated issue, it is clear that an employer may subcontract during a strike. If the employer intends to continue subcontracting after the strike is over, that would be a mandatory subject of bargaining.

There is no need to discuss your strike contingency plan with the union, although many employers do let it be known that they have plans so unions don't think the companies have no options.