

FAQ's on industrial action

The University is concerned that any industrial action could damage student experiences and opportunities and could damage its ability to recruit home and international students.

In response to industrial action which has occurred over recent years, the University has developed a policy setting out how it will deal with industrial action. This covers strike action and action short of a strike. The Policy is described below in question and answer format.

Q.1 How will the University know if an employee is taking industrial action?

A. UCU has declared a series of 14 strike days commencing on 22 February 2018 and ending on 16 March 2018. At the same time they have asked their members to take action short of a strike from 22 February. HR will write to all employees in the relevant staff categories in advance of 22 February asking them to declare if they will be taking action by completing an on-line form. They are not obliged to inform the University of their intention to participate in advance of the action, but they must do so afterwards if so requested. Following the deadline for declaration (27 March 2018), HR will send a summary of declarations to each Unit and the Head of Unit will be asked to review it and to let HR know of any changes to be made. Where there is any uncertainty, Heads of Units will be expected to ask employees if they have taken action.

For example:

A Board of Studies takes place on one of the strike days, an academic who was scheduled to attend doesn't do so and then doesn't appear on the list provided by HR. In this instance the Head of School should contact that person to ask if they had taken action.

There may be circumstances where a manager needs to plan for an event or for some other reason and in such circumstances they can ask employees in advance of action if they are planning to participate. As indicated above, employees are not obliged to inform the manager of their intention to strike in advance of the action.

The University will report the aggregate number of employees taking action to the unions and on the HR web site.

Q.2 What happens if I take action and do not declare?

A. If you take action and do not declare, your action is not legally protected and will be in breach of your contract of employment and this may result in disciplinary action.

Q.3 How much pay will be deducted during strike action?

A. The University will deduct one day's pay for each day that an employee takes part in strike action. Pay will be deducted on the basis of 1/365th of an employee's annual salary.

If the employee has a salary sacrifice arrangement in place, the post-sacrifice salary will be used for calculating the amount to deduct.

In the event that strike action is for a period less than a day, the University is entitled to deduct a full day's pay. If the University deducts a full day's pay, the employee will not be required to attend work because the University does not accept partial performance and the employee has made it clear that they are not willing to perform their full duties on the day of action. If they choose to attend and perform work then any work carried out will be treated as voluntary and will not be paid.

Q.4 How much pay will be deducted during action short of a strike?

A. The University is very clear that it will not accept partial performance of a contract of employment and that any industrial action is a breach of contract for which the University is entitled to deduct 100% of salary. The proportion of salary to be deducted will depend on the nature of the action taken and its impact on the University's core activities of teaching and research.

For example:

Working to contract, refusing to cover classes or reschedule those classes lost to strike action would all have a significant impact on teaching and would therefore be treated as a serious breach and may result in a proportion of pay being deducted for every day of action taken (or refusal to work normally).

Q.5. What effect does working to contract have on working hours?

A. The University conditions of service for staff on grade F and above do not specify any terms or conditions relating to hours of work, within the meaning of the Employment Rights Act 1996. Working time is regarded as undefined and staff are expected to manage their own time to achieve the objectives of their position, based on a normal expectation of a 37 hour week at Grade F, and 40 hour week at Grades G and above, where the parameters of the working week are determined locally to meet the requirements of the position.

This means that staff are expected to comply with their contractual obligations which would normally involve working 37 or 40 hours per week but may require working beyond those hours. It is expected that core activities such as supervision, marking and other forms of assessment will be carried out as part of contractual obligations.

Q.6. What will happen to pension contributions if pay is deducted as a result of strike action?

A. The University will review its position on this matter as and when any industrial action occurs. Whilst not obliged to do so, the University may, in the first instance, treat any day(s) of strike action by employees who are members of the USS as normal working days for the purpose of calculating pension contributions. Importantly, this will mean that life cover will be preserved during any days of action but to ensure life cover is in place, staff will have to confirm in advance if they are taking action. For employees who are members of NEST, contributions will be based upon actual pay as the qualifying earnings for NEST purposes are calculated in each pay period.

Q.7 Can employees work from home when industrial action is taking place?

A. Unless pre-arranged and approved prior to the action being announced, it will be treated as taking action. Approval should not be given by the line manager unless it would be normal for the employee to be working at home on that day.

Q.8 What about employees who are off sick, on maternity leave or on sabbatical?

A. As long as the University is aware of the employee's genuine absence they will not be treated as taking action. It is therefore imperative that HR is advised of all such cases.

Q.9 Can employees take annual leave during a period of industrial action?

A. In general, Heads must be sensitive to the needs of the University and consider carefully whether any requests for leave can be authorised during a period in which services may already be affected.

Where an employee is on pre-arranged annual leave and does not intend taking part in the action, then this should be treated as annual leave and every effort made to allow this leave to take place.

Q.10 What if an employee is taking action but then decides to return to normal working?

A. As soon as the employee returns to normal working and informs Human Resources in writing, they will return to normal pay and conditions.

Q.11 Can the Head of Unit ask another employee to take on additional duties?

A. Yes – as long as it is a reasonable request and the individual has the capacity to take on the work, which might require some negotiation over prioritising work.

Q.12 How will employees who refuse to cross a picket line be affected?

A. While this may be uncomfortable for some employees, those not taking action are expected to carry out their normal duties. A refusal to do so because of, for example, not wanting to cross a picket line, will be treated as taking action and will therefore result in deduction of pay. Any employee who feels intimidated and would like help to cross picket lines should ask their manager or local HR team who will be happy to organise some support.

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