

**HE Pay Dispute - Strike action**

**INDUSTRIAL ACTION - FREQUENTLY ASKED QUESTIONS (FAQ’s)**

UNISON members in higher education are urged to vote to strike for better pay following UNISON’s elected Higher Education Service Group Executive (HESGE) decision in response to the employers’ refusal to improve the 1% pay offer.

Some members will have questions about taking part in industrial action and below are some answers to some frequently asked questions (FAQ’s).

Please ensure that you circulate this document to your branch activists.

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|  |  **Should I take strike action?** |
|  | All eligible UNISON members are expected to participate in lawful industrial action called following a ballot of members. If you were balloted over the Higher Education Pay campaign, the higher education service group executive has taken the decision based on the outcome of the ballot to proceed with industrial action. In these circumstances then you are expected to take action.  |
|  | **What should I do during a strike?** |
|  | UNISON only takes strike action once every other avenue of influence and negotiation has been exhausted. It is not a decision taken lightly.UNISON’s elected national Higher Education Service Group Executive took the decision to progress to strike action following an industrial action ballot. That showed a majority of members rejected the employers’ final pay offer of 1% and voted to take strike action.We recognise that taking strike action is very serious, which is why UNISON asks that you and every other member observes the strike. Every member who does not undermines our bargaining power and makes it harder for us to protect all of our members. When UNISON calls a strike we ask that you do not go to work, but instead contact your local rep and volunteer to help out on the picket lines. This is not illegal, it isn't dangerous and it can be fun, as everyone shows that they are serious and united in taking action. |
|  | **Do I have to tell my employer that I am taking strike action?** |
|  | Your employer might send you a formal-sounding letter asking you to declare in advance whether you will be taking industrial action. You are under no obligation to inform your employer in advance as to whether you will be taking part in strike action. UNISON is legally required to give employers some statistical information about UNISON members taking industrial action, but we do not give individual names.  |
|  | **I have external work commitments on the day(s) of the strikes, should I cancel?** |
|  | If your commitments are part of your normal work for the university or college you should not attend them.  |
|  | **How late can someone join the union and still take part in strike action?**  |
|  | People can join the union at any point up to and including on the day of action and lawfully join the strike.  |
|  | **How will it affect my pension?** |
|  | In some strikes (particularly short ones) employers may not withhold superannuation contributions and therefore participation in strike action has not generally affected pensions. Nonetheless it is a possibility. However institutions that do choose to withhold contributions usually make provision for members to make up pension and Additional Voluntary Contribution deficits from their pay.  |
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|  | **What about the students?** |
|  | UNISON knows that many members don't like taking action that affects students. However, when UNISON members have lawfully voted to take industrial action, we are generally making a case for greater investment in, or defence of, the quality of the service we provide to students. Formally, it is the employer’s responsibility to explain to students if services to students and classes are to be cancelled on strike days. However, your branch and members may wish to talk to students on campus before the strikes. You should explain why the union is taking this action and the impact of the squeeze in your pay and living standards. UNISON is engaging with the NUS to ensure that local student unions are aware of the issues around the HE pay campaign. UNISON, UCU and Unite have produced a joint leaflet aimed at putting the arguments across to students about the need for Fair Pay for staff working in higher education. |
|  | **Am I breaking my contract by taking strike action?** |
|  | All effective industrial action is a breach of your contract of employment. However, UNISON has carried out a lawful statutory ballot. The law protects workers from dismissal whilst taking part in lawful industrial action at any time within 12 weeks of the start of the action and, depending on the circumstances, dismissal may also be unfair if it takes place later.  |
|  | **How much money will I lose?** |
|  | You should expect to have an equivalent day's salary deducted for every day that you take part in the strike.  |
|  | **What if I am part time?** |
|  | UNISON believes that any deduction must be pro-rata for part time staff. The deduction must only be for your contracted hours. Please contact your local UNISON rep if your employer attempts to deduct more than they should.  |
|  | **What is the law on picketing?**  |
|  | Peaceful picketing is entirely legal. Picketing should be carried out at or near an entrance or exit from a site at which the pickets work. When others who are not in dispute come into work or use these entrances or exits, pickets must not interfere with them. |
|  | **I am not a UNISON member. Can I take part in the strike?** |
|  | We would like everyone to respect the picket lines and not go into work, but if you are not a UNISON member you will not be legally covered and we will not be able to support you if the college decides to take disciplinary action against you. However, you are able to join UNISON and take part in action up to the day of the strike taking place. |
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|  | **What are the guidelines on picketing?** |
|  | Picketing is a legal activity to peacefully persuade members not to go in to work. Pickets should wear an armband indicating they are on duty. Placards and posters should be displayed stating 'OFFICIAL PICKET'.  |
|  | **Will participating in strike action affect my entitlement to statutory maternity pay (SMP)?** |
|  | UNISON normally exempts women who are pregnant from taking strike action so that it does not affect their rights to appropriate state benefits. |
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