

## Industrial Action

### Employees' Frequently Asked Questions

#### Introduction

The following FAQ's are for staff in relation to the planned industrial action that has been called by UNISON in connection with the 2022-23 national pay negotiations.

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#### Information about the dispute

##### What is the dispute about?

Each year, the base pay increase to the national pay spine up to point 51 for Grades 1 to 7 is determined via national negotiations between five trade unions and the University and Colleges Employers' Association (UCEA), on behalf of 147 Higher Education institutions UK wide. The University fully supports the national pay bargaining arrangement and are keen to see a fair and sustainable pay uplift agreed.

This year, UCEA made a final offer that balanced the issues raised by the trade unions with the sector challenges currently facing UK universities, which delivered base pay increases of up to 9% on the lowest spine points on the national pay spine to 3% for points 20 and above, with tapering below this.

Over 50% of colleagues will also receive a higher pay award when annual service-related increments of typically around 3%, are applied.

The dispute relates to the outcome of the 2022-23 national pay negotiations, which the trade unions did not agree with and as such were unable to conclude matters.

##### What is the University's position?

The University followed UCEA's advice for all 147 participating institutions and implemented a pay uplift with effect from 1<sup>st</sup> August 2022.

As part of the negotiations, UCEA took into consideration the financial circumstances of all the universities they represent and worked hard to ensure that a fair and sustainable pay increase, which balances affordability across all institutions, was achieved.

<p><b>Which trade unions balloted for industrial action?</b></p>	<p>One of our two recognised trade unions, UNISON carried out a ballot of their members.</p> <p>We respect the right of staff to be members of any union and will therefore respect their right to take industrial action.</p>
<p><b>What form will the industrial action take and when will it happen?</b></p>	<p>UNISON has confirmed that they intend to carryout discontinuous strike action on Monday 19<sup>th</sup>, Tuesday 20<sup>th</sup> and Wednesday 21<sup>st</sup> of September and Monday 3<sup>rd</sup> and Tuesday the 4<sup>th</sup> of October 2022.</p>
<p><b>What groups of staff can participate in the strike action?</b></p>	<p>UNISON represent staff employed by the University on support contracts.</p> <p>Members of UNISON and staff who are not members of a trade union, may choose to participate in the official strike action.</p>

### Taking part in strike action

<p><b>If I take part, what will it mean for me?</b></p>	<p>This industrial action is lawful so whilst employees who take part in the strike action are in breach of their contract, they are protected from dismissal. If you participate in strike action, your absence from work will be recorded as strike action on HR Connect (see guidance document on how to update this) and you will be subject to a deduction of pay as a result.</p> <p>Taking strike action does not break your continuity of employment provided you return to work when the strike ends.</p> <p>For further information, you should refer to the University's <a href="#">Industrial Action Policy</a>.</p> <p>General information about industrial action and striking can be found <a href="#">here</a>.</p>
<p><b>Do I have to record the days that I plan to strike or participated in strike action?</b></p>	<p>You should record your absence from work on HR Connect using '<b>Strike Action</b>' as the reason for absence. This should be done either before the strike day(s) or on your first day back at work following each day of strike action.</p> <p>The <i>appendix</i> contains screen shots of how to do this on HR Connect.</p> <p>The data collated will only be used to update the payroll system and to understand the total number of staff taking strike action. It will not be used for any other purpose.</p>
<p><b>What will be the impact on my pay</b></p>	<p>Participation in strike action will result in a breach of your contract of employment. Consequently, if you choose to take strike action you will have a day's pay deducted for each day that you are striking. The daily rate of pay for calculating pay deductions will be deemed 1/365<sup>th</sup> of annual salary for a</p>

	<p>full-time employee. For part-time employees, pay will be withheld based on 1/365<sup>th</sup> of the employee's part-time annual salary.</p> <p>If a member of staff participates in strike action, a day's pay will be withheld for each day of strike action. For these purposes, a day's pay will be calculated based on 1/365<sup>th</sup> of the employee's annual salary.</p> <p>For example:</p> <ul style="list-style-type: none"> <li>☺ A member of staff at grade 3, who works full-time, with an annual salary of £27,131 would have a deduction of £74.23 (<math>£27,131 \div 365</math>) from their salary for each day of strike action.</li> <li>☺ A member of staff on the same grade and annual salary as the example above who works part-time, 20 hours per week, would have an annual salary of £14,969. Therefore, for each day of strike action £41.01 (<math>£14,969 \div 365</math>) would be deducted from their salary.</li> </ul> <p>We do not withhold pay from staff employed on a casual or Guaranteed Hours contract as they are paid based on the hours that they work.</p>
<p><b>How will pay deductions be made?</b></p>	<p>If you choose to take strike action you are required to record your absence as 'Strike Action' on HR Connect either before the strike action or on the first day back to work after each day that you participate in the action. Each day that you participate in the action will be calculated as 1/365<sup>th</sup> of your annual salary.</p> <p>For part-time employees the deductions are calculated on a pro-rata basis determined by normal working patterns.</p> <p>Pay deductions will be processed in accordance with the normal <a href="#">payroll cut-off schedule</a> Pay deductions for absence that is recorded before the 8<sup>th</sup> of the month will be processed in the same month and pay deductions for absence that is recorded after the 8<sup>th</sup> of the month will be processed in the following month.</p> <p>It is expected that salary deductions for Monday 19<sup>th</sup>, Tuesday 20<sup>th</sup> and Wednesday 21<sup>st</sup> September and 3<sup>rd</sup> and 4<sup>th</sup> October strike days will be processed in the October payroll run.</p>
<p><b>I am a member of the Scottish Teachers Superannuation Scheme (STSS). What will be the impact on my pension where pay deductions are applied?</b></p>	<p>The scheme rules state that periods of absence due to strike action are regarded as non-pensionable. No pension contributions are deducted for any period that you spend on strike, and any earnings lost through industrial action are not included in your pension benefits.</p> <p>In addition to the lost daily income of £141.93, the full-time employee would also lose a day of pension service, the contributions for this total £47.41. A part time employee working 20 hours per week would also lose a day of pension service, the contributions for this total £25.71 in addition to their lost daily income of £81.10.</p> <p>Click <a href="#">here</a> to view the pension scheme rules.</p>

<p><b>I am a member of the Lothian Pension Fund. What will be the impact on my pension where pay deductions are applied?</b></p>	<p>The scheme rules state that periods of absence due to strike action are regarded as non-pensionable, which means that no employer or employee contributions will be made. However, members have the opportunity to buy back the lost pension contributions. If you wish to obtain a quote for the cost of this, please contact <a href="mailto:payroll@napier.ac.uk">payroll@napier.ac.uk</a>.</p> <p>Click here to view the <a href="#">pension scheme</a> rules.</p>
<p><b>How does the strike affect me if I am hourly paid/casual staff?</b></p>	<p>Hourly paid or casual staff who take part in the strike action cannot claim payment for tutorials etc. that were not delivered. Where a class has been cancelled on a strike day but you have already carried out preparation time for the cancelled class, you will be paid for the preparation time in line with your normal contractual arrangements. If you are due to work on a day of strike action, however the work has been cancelled at short notice please contact the HR team who will advise you on agreed arrangements. You may be eligible for 50% disturbance payment for the scheduled work not carried out on that day.</p>
<p><b>Will taking strike action have an impact on my Tier 2 visa sponsorship?</b></p>	<p>In July 2018, the government confirmed that Tier 2 visa holders would not be penalised for some absences from paid work in the UK, which now includes engaging in legal strike action. These changes mean that a Tier 2 visa holder's leave to remain will not be affected if such absences cause their salary to fall below the required threshold.</p>
<p><b>What happens to the pay deductions?</b></p>	<p>This will be determined once the strike action has concluded</p>

## Disclosing intentions

<p><b>Do I have to disclose my intention to take part in strike action?</b></p>	<p>We understand the intent behind strike action and respect the fact colleagues do not have to tell us about their intentions. However, we will be asking staff if they intend to take part in strike action and hope you will choose to disclose your intentions so as to minimise the impact on our students.</p>
<p><b>What if I change my mind?</b></p>	<p>If you recorded an absence due to strike action on your HR Connect record, your manager can remove this if you change your mind and subsequently attend work.</p> <p>You will only be recorded as having taken strike action if you are absent from work on a strike day and this absence was not approved in advance of the strike day.</p>

## During strike action

<p><b>Do I have to attend work on strike days?</b></p>	<p>Whilst we respect a trade union's right to call industrial action, the University will be open as usual on strike days. If you are not taking part in the strike action you are expected to attend work as normal and may have to cross a picket line at entrances and exits of University campuses.</p>
<p><b>What is a picket line? Can I cross it?</b></p>	<p>During strike action picket lines of striking staff might be present around the University campuses. Picketing is a lawful activity where staff who support the strike stand outside to inform other staff members why they are striking. Picketing should be undertaken peacefully and it should not prevent those who are not striking to go to work or continue doing their usual work.</p> <p>Whilst the University supports freedom of expression within the law, all staff are expected to demonstrate respect and dignity in their interactions with others during industrial action in accordance with our <a href="#">Dignity at Work Policy</a>.</p> <p>If you have any concerns with pickets, you should contact the HR team on x3344 or via <a href="mailto:humanresources@napier.ac.uk">humanresources@napier.ac.uk</a>.</p>
<p><b>Can I take annual leave during the strike action?</b></p>	<p>We wish to ensure that there is adequate cover during periods of industrial action so we can maintain services as much as possible, provide adequate support for students and reduce any possible impacts on learning and teaching.</p> <p>Therefore, requests to take annual leave may not be agreed at times that coincide with key industrial action dates, unless the time off has already been agreed, or is requested for exceptional reasons. Exceptional reasons will be considered on a case-by-case basis, taking into account the request and anticipated impact of the strike action, particularly if there is a reduction in staff within the area.</p> <p>If you have been identified as taking part in the industrial action but have already booked annual leave which coincides with the strike days, you will be entitled to be paid at full pay for the period of authorised annual leave.</p>
<p><b>Can I work from home during the strike action?</b></p>	<p>We wish to ensure there is adequate cover during periods of industrial action so we can maintain services as much as possible, provide adequate support for students and reduce any possible impacts on learning and teaching.</p> <p>Therefore, requests to work from home might not be agreed during periods of industrial action unless it follows your current normal working pattern or in exceptional circumstances. You may only work from home during a day of strike if you have sought permission from your manager in advance.</p> <p>Permission will only be given once your manager has assessed the anticipated impact of the strike action in the area that you work and where working from home would have been normal business practice for you were there no strike action on that particular day.</p> <p>Employees who choose to work from home without prior permission will be treated as absent without permission and deemed to be taking part in the strike action.</p>

**What if I am sick on a strike day?**

If you are sick on a strike day, you should report your sickness absence in the normal way. You should expect to have a return to work meeting with your manager when you return to work and ensure that your absence is correctly recorded on HR Connect.

**What work should I prioritise during strike action?**

Our aim during industrial action is to minimise the impact on students. Staff are therefore asked to prioritise, where possible, student-facing activities. Your manager will be able to advise as appropriate.

**Should I cover for a colleague who is striking?**

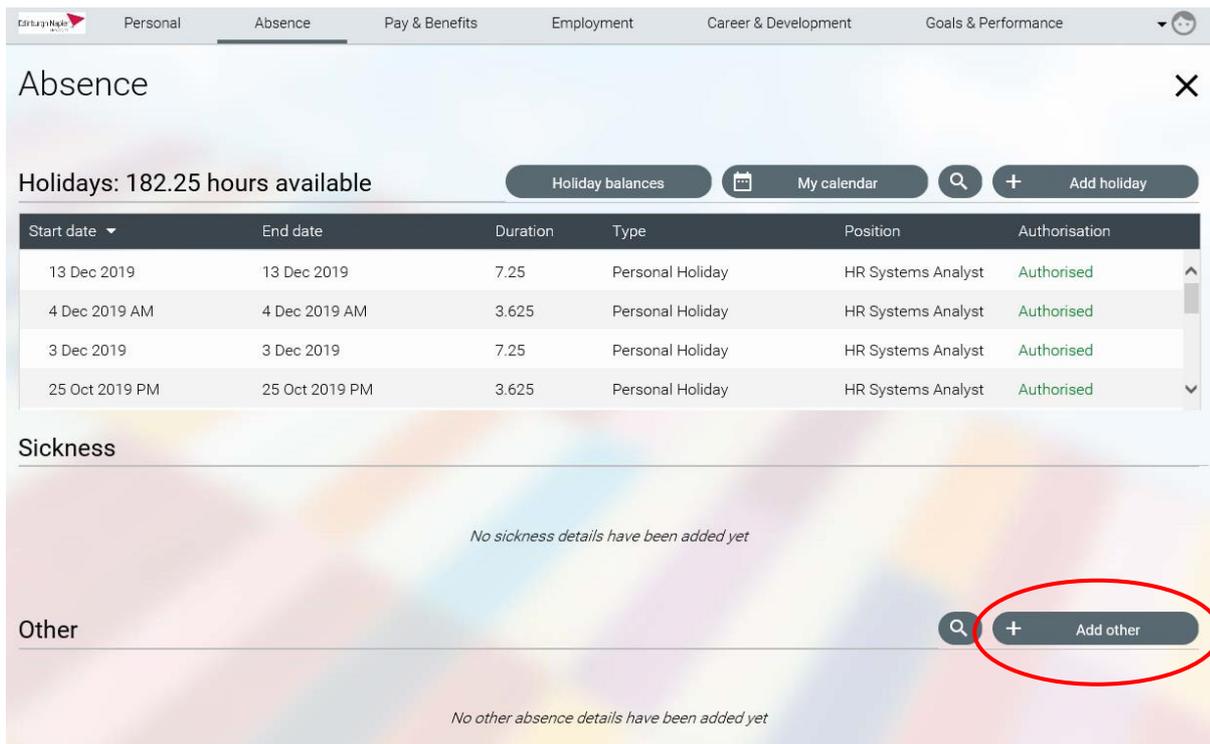
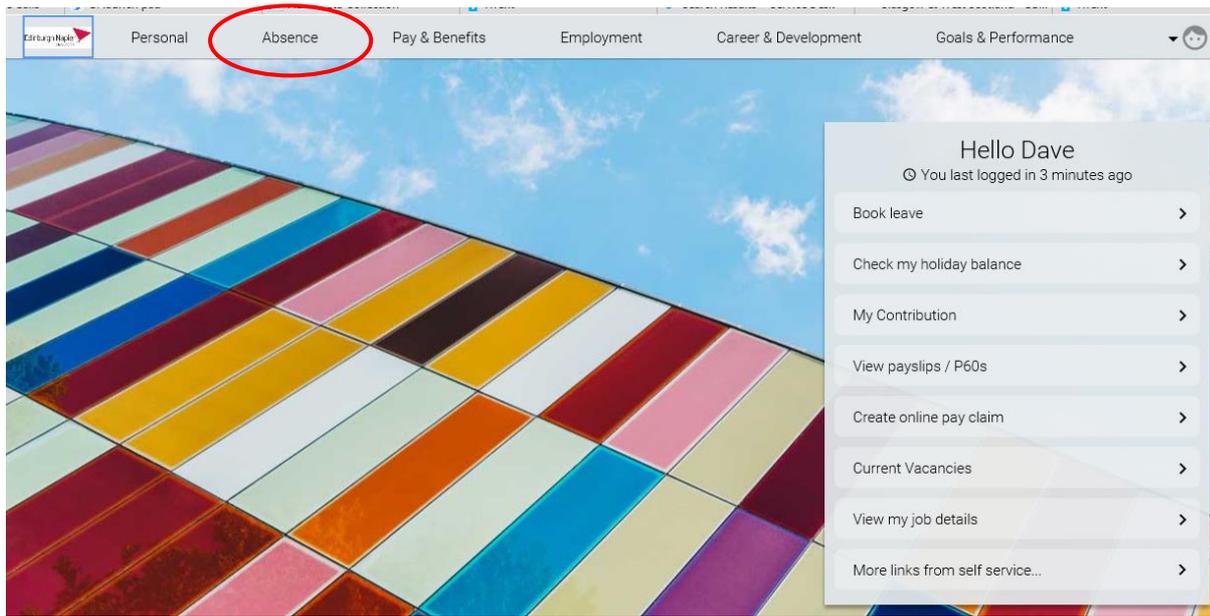
You should only be asked to undertake additional duties which are grade appropriate, and for which you are suitably skilled and/or trained. There may be situations where your manager seeks a level of flexibility to cover duties which fall outside of your normal role but are still deemed to be reasonable.

**Available Support**

**What support is available to me?**

- ✔ **Human Resources** – Call HR on x3344 or email [HumanResources@napier.ac.uk](mailto:HumanResources@napier.ac.uk)
- ✔ **Trade Union representative** – If you are a member you can contact your trade union representative from the relevant union.
- ✔ **Employee Assistance Programme** – you have access to a free and confidential resource that provides information, resources and advice on a range of issues. You can access this service via phone, email or online and it is available 24 hours a day. You can access this service [here](#).

## Appendix – How to record ‘Strike Action’ on HR Connect



**Other Absence Details** [X]

Absence type  
Please choose [v]

Absence reason [v]

Absence period  
Please choose [v]

[Save] [Cancel]

**Other Absence Details** [X]

Absence type  
Strike Action [v]

Absence reason  
Strike Action [v]

Absence period  
Full day [v]

Start date (dd/mm/yyyy)  
28/02/2020 [calendar icon]

Personal Absence Pay & Benefits Employment Career & Development Goals & Performance

**Absence** [X]

Holidays: 182.25 hours available [Holiday balances] [My calendar] [Add holiday]

Start date	End date	Duration	Type	Position	Authorisation
13 Dec 2019	13 Dec 2019	7.25	Personal Holiday	HR Systems Analyst	Authorised
4 Dec 2019 AM	4 Dec 2019 AM	3.625	Personal Holiday	HR Systems Analyst	Authorised
3 Dec 2019	3 Dec 2019	7.25	Personal Holiday	HR Systems Analyst	Authorised
25 Oct 2019 PM	25 Oct 2019 PM	3.625	Personal Holiday	HR Systems Analyst	Authorised

**Sickness**  
No sickness details have been added yet

**Other** [Add other]

Strike Action  
28 Feb 2020 - 28 Feb 2020  
HR Systems Analyst