

ASOS FAQ's

The following FAQ's have been developed for colleagues in relation to planned industrial action that has been called by the University and College Union (UCU) in connection with the 2022-23 national pay negotiations.

<p>What is ASOS?</p>	<p>ASOS is another type of industrial action that is not a strike action. The legislation does not define what amounts to ASOS other than it includes an overtime ban and a call-out ban. Other examples include working to contract, withdrawal of goodwill, not covering for absent colleagues until contractually required to do so or refusing to undertake any voluntary duties.</p>
<p>What form will the industrial action take and when will it happen?</p>	<p>UCU have confirmed that they are calling on their members to take continuous action short of a strike (ASOS) from Thursday 20 April 2023, in the following forms:</p> <ul style="list-style-type: none"> ☑ A marking and assessment boycott ☑ Working to contractual duties and not undertaking any voluntary activities ☑ Not covering for absent colleagues ☑ Not rescheduling classes and lectures cancelled due to strike action. ☑ Removing uploaded materials related to, and/or not sharing materials related to, lectures or classes that will be or have been cancelled as a result of strike action <p>We will continue to update via staff communicates and through our industrial action intranet page.</p>
<p>What is a marking and assessment boycott?</p>	<p>UCU have outlined that a marking and assessment boycott covers all marking and assessment process that contribute to summative assessment decisions for students/learners, whether final (i.e. graduation/completion) or interim (i.e. progression decisions).</p> <p>The boycott is live from Thursday 20 April 2023 and UCU members have been asked to cease undertaking all summative marking and associated assessment activities/duties from this date.</p>
<p>How long will the marking and assessment boycott continue?</p>	<p>UCU has called on their members to participate from 20 April 2023 and have stated that it will continue until the disputes are settled or UCU calls the boycott off, or the end of the current industrial action mandate.</p>
<p>Do I have to tell my line manager and/or University that I plan to participate?</p>	<p>You are legally obliged to confirm, when asked, whether you are or have been participating in the marking and assessment boycott.</p> <p>This is also clearly outlined in the UCU guidance on ASOS.</p> <p>You are required to update your HR Connect record as soon as you commence participation in a marking and assessment boycott.</p>



	<p>PLEASE NOTE: Your manager and Dean of School may also ask you to reconfirm participation, on a regular basis after 20 April 2023.</p> <p>Colleagues may be asked to evidence that they have been working normally and fulfilling all marking and assessment duties. Instances where colleagues do not respond honestly when they are asked if they are participating in the marking and assessment may be considered misconduct in accordance with our Disciplinary Policy.</p>
How do I notify the University that I am participating	<p>In the first instance you should update HR Connect to show that you intend to take part by following the 'How to record ASOS on HR Connect' guidance document.</p> <p>You should also let your manager know that you are participating.</p>
What deductions will be made?	<p>From 20 April 2023, we will withhold pay for any colleague declaring they are participating in the marking and assessment boycott. The pay withheld for each day will be 50% of 1/365th of annual contractual pay for every day you participate in the marking and assessment boycott.</p> <p>We reserve the right change this position and withhold up to 100% of pay in response to the marking and assessment boycott as failure to perform marking and assessment is considered partial performance of contract.</p>
How long will pay deductions be made?	<p>Pay deductions will continue for colleagues participating in the boycott until:</p> <ul style="list-style-type: none">☑ They confirm they are resuming full duties including assessment/markings☑ The end of the boycott is announced by UCU or the mandate ends☑ The period during which colleagues would have expected to undertake marking and assessment has passed, determined by consideration of whether marking/assessment activities are ongoing and the colleague has confirmed through their line manager and through HR Connect that they are resuming normal duties including marking and assessment.
How do I tell the University that I am no longer participating in the boycott?	<p>You should let your line manager know, immediately (copying payroll@napier.ac.uk), of the date you are no longer participating, this is to ensure we can make the appropriate arrangements to stop deducting pay.</p> <p>You should also update your ASOS details on HR Connect by inputting the end date.</p>
If I take part, what will it mean for me?	<p>This industrial action is lawful so whilst colleagues who take part in the strike action are in breach of their contract, they are protected from dismissal. If you participate in any form of strike action, you are required to record this through HR Connect 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 Industrial Action</p>



	<p><u>Policy.</u></p> <p>General information about industrial action and striking can be found here.</p>
Will pay be withheld on days that are non-working days?	<p>No, pay will only be withheld for normal working days, and pay will not be deducted when annual leave or sickness absence occurs.</p> <p>Annual leave should continue to be requested in the normal way, with as much notice as possible as we wish to continue to provide adequate support for students and reduce any possible impacts on learning and teaching.</p>
How will students and other colleagues be affected?	<p>Depending on your role you may not be directly affected by the marking and assessment boycott. Likewise, many of our students may experience little or no disruption.</p> <p>However, for those impacted, our focus will be minimising the disruption to our students to allow them to progress.</p>
What groups of staff can participate in the strike action?	<p>UCU can represent colleagues employed by the University on academic, research or support contracts.</p> <p>Members of UCU and colleagues who are not members of any other trade union may choose to participate in the official strike action.</p>
How does the ASOS affect me as a guaranteed hours of zero-hour lecturer?	<p>Hourly paid who claim on the basis of hours that they work, so if they participate in a marking and assessment boycott, they cannot claim for any marking or assessment activity that was not delivered. They can, however, continue to claim as normal for other work completed.</p>
I have already completed some marking?	<p>All marking already completed prior to participation in the marking and assessment boycott must be submitted as normal.</p>
Can I be asked to cover marking and assessment if I am not participating in the boycott?	<p>Yes, you may be asked to cover marking and assessment duties if you are not participating. The expectation would be that this would be carried out in your normal contracted hours.</p>
What is termed as contractual duties?	<p>Contractual duties cover what is in contracts of employment and related documents (including role descriptions), the customary ways in which people have worked in their Schools/Service areas and the implied duties that both they and their employers have.</p>
Why is pay withheld?	<p>It is the policy of Edinburgh Napier University to withhold the pay of colleagues who participate in industrial action that amounts to a breach of contract. We do not accept the partial performance of the contract of any colleague, and this means that if you do not fulfil all the requirements of your contract, for example by not carrying out marking and assessment duties that are expected of your role;</p>



	you are consequently not entitled to your contractual pay.
Which trade unions balloted for industrial action?	<p>Further strike action is being taken by UCU, whilst we do not recognise UCU, we do have a small number of members at the University.</p> <p>As part of the local pay offer, both our two recognised trade unions, EIS and UNISON confirmed that this would conclude the pay dispute and that no further strike action would be taken in this academic year, in relation to the 2022-2023 national pay negotiations.</p> <p>We respect the right of all colleagues to be members of any union and will therefore respect their right to take industrial action.</p>

Available Support

What support is available to me?

- ✔ **Human Resources** – Call HR on x3344 or email 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](#).

