



Managing Industrial Action Policy & Procedure



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1. Introduction

The University has established frameworks for consultation and negotiation with the recognised trade unions and, along with the unions, is committed to maintaining effective employee relations and to achieving reasonable solutions to matters of concern.

Where industrial action does occur, the University will seek to ensure that normal operations are maintained as far as possible and that students and our research are not disadvantaged by the action and that the impact of industrial action is minimised.

The aim of this policy is to outline the University's position in the event of industrial action and to ensure that University employees have clear guidance in advance on the University's approach to managing such industrial action and the effect on employees who may choose to participate.

The University respects the right of employees to take part in legal industrial action and this policy has been developed to provide information which will allow staff and managers to understand the University's policy and approach to dealing with industrial action. It may be amended or added to in the future.

2. Communication During Industrial Action

Information and decisions taken on specific instances of industrial action will be circulated to staff and managers at the time and communications will be co-ordinated by the Executive Director of People and Organisational Development.

If you have any specific queries regarding industrial action, further advice is available from your College/US People and Organisational Development team.

3. Strike Action

Participation in any form of strike action is a breach of contract and it is therefore University policy to withhold a full day's pay for each day in which an employee takes part in strike action, as employees participating in such action are regarded as not performing or undertaking the work for which they are paid.

There may be occasions when the University will decide to adopt a different position in the interest of effective employee relations and may choose to vary the amount of pay withheld.

For the avoidance of doubt, clear guidance on this will be given in advance of any legal strike action, failing which the University's policy as outlined above will apply.

4. Action Short of Strike Action (ASOS)

ASOS includes all forms of industrial action which do not amount to a strike such as working to contract, an overtime ban or boycott of an element of work, e.g. a marking boycott.

Unless members of staff perform their contract in full they will be considered to be in breach of their contract of employment and this will be regarded by the University as partial performance of contract. The University does not accept partial performance as University policy requires all employees to perform and undertake ALL aspects of the work for which they are paid. Pay will be withheld from employees participating in any form of partial performance.

The University's policy is to withhold 100% of pay for any period in which there has been partial performance.

There may be occasions when the University will decide to adopt a different position and may choose to vary the amount of pay withheld. For the avoidance of any doubt, clear guidance on this will be given in advance of any legal industrial action, failing which the University's policy as outlined above will apply.

5. Calculation of Pay Stoppages

Employees taking any form of industrial action will be breaching their contract of employment as they will not be doing the work they are paid to undertake. Employees do not have a contractual claim to be paid unless they are ready and willing to perform their contract in full. There is no obligation on employers to pay employees for work that has not been undertaken.

Employees who take part in strike action will not be paid during the period of their participation in strike action. Pay will be withheld on the basis of 1/365th of annual salary for each day of action for full-time staff or on a proportionate basis for part-time staff.

In the case of a part-day strike, it is University policy to withhold a full day's pay on any day or shift when strike action has occurred.

In the case of partial performance of duties over a continuous period, 100% of pay will be withheld for the duration of an individual's participation in the industrial action.

The University reserves the right to amend the above approach in individual instances of industrial action and will communicate its position to the relevant staff on each occasion.

6. Absences During Industrial Action

Leave approved through the HR Self-Service Portal prior to the date of industrial action will be honoured. Leave which has not been approved in advance and which coincides with a period of industrial action will only be approved in exceptional circumstances. Any variation to this approach (for example during other forms of industrial action such as action short of strike) will be communicated on a per-action basis, including via action-specific FAQs.

Sickness absence which coincides with periods of industrial action should be managed as normal in line with the Managing & Supporting Attendance Policy.

Further advice on issues related to industrial action is available from College/University Service Heads of People and Organisational Development.

7. Document Control

<u>Document Control</u>	
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