

**Frequently Asked Questions**

It is important that you are aware of what will happen, if industrial action goes ahead. The following questions and answers address the most commonly raised issues.

**What happens if I take industrial action?**

* Taking part in industrial action is a breach of contract and you will have no entitlement to pay for the period of the action.

**How much pay will be deducted?**

* Employees covered by the National Joint Council for Local Government Services (Green Book) will have pay deducted at the rate of one-fifth of a week’s pay per day spent on industrial action. This is equivalent to 1/260th of a year’s pay.
* For teachers, the Conditions of Services for School Teachers in England and Wales (the Burgundy Book) state that deductions are made on the basis of 1/365 for each day’s action.
* If you are a part time employee, the pay deduction will be for the hours you would normally have worked on the day of the action.

**I am not in a trade union. What happens if I take Industrial Action?**

* If you are not in a trade union, or in a trade union not participating in industrial action, you should attend to work as normal. If you go on strike you will have no entitlement to pay for the period of the industrial action.

**How does industrial action affect my pension?**

* Time spent on industrial action does not count towards your pensionable service. This means that for every day of industrial action, the period of service used to calculate your pension entitlement is reduced.
* The Local Government Services Pension Scheme allows employees to elect to pay contributions in respect of a period of absence due to industrial action. Further information on this is available at [www.yourpensionservice.org.uk](http://www.yourpensionservice.org.uk) or on the council’s intranet.
* There is **no provision** in the Teachers’ Pension Service for teachers to buy back strike days.

**What happens if there is picketing?**

* Picketing must be peaceful, and consist of obtaining or communicating information, or peacefully persuading an individual to abstain from work. There should be a maximum of 6 pickets at any location.
* If picketing takes place, you will still be expected to attend work as normal.
* If you refuse to cross a picket line, you will not be paid for the day(s) that you do not work.

**Will any groups be exempt from industrial action?**

* Some exemptions are being sought with the trade unions eg because of the need to provide essential services where there would otherwise be a direct danger to life or limb or to any person. Final decisions will be notified in the relevant areas.

**Can I re-allocate work to non-striking employees or use agency workers?**

* You can ask employees within the same role to carry out the work of those who are taking action.
* You can ask for volunteers to cover for different roles, however any health and safety or training issues should be taken into account.
* You cannot force an employee to do work which conflicts with their contract of employment unless it is reasonable. Reasonableness will depend upon the importance of the task and the employee’s ability to perform it.
* Temporary staff can be employed, but they must be employed directly and not through an agency.

**I am a manager - how do I record/report employees who are absent from work due to industrial action?**

* Managers should log into [iTrent People Manager](http://itrent.ccc/) and enter a
  + New Other Absence for each member of staff who took industrial action –
  + select Absence Type “Unpaid Leave” and
  + Absence Reason “Industrial Action”.
* Do not make deductions for industrial action on timesheets as these will automatically be made by the absence entry.
* If you require any assistance please contact the Service Centre Team on 01228 223333.

**I want to come to work, but my school/place of work will be closed because of the industrial action. What should I do?**

* Employees who are not taking industrial action should make every effort to attend for work. If your normal workplace is closed you should speak to your line manager in advance of the action to confirm if you can work at a different location.
* For staff in schools it will depend on the level of closure of the school e.g. whether the school is closed to staff and pupils or just pupils. Your Headteacher will confirm the level of closure.
* It may be possible for some staff (including centrally employed teachers) to work from another location, or work from home, if this is appropriate and agreed in advance. You should make arrangements with your manager to confirm you are present at work. If an alternative workplace and/or duties cannot be found then you would be sent home with full pay.
* If employees do not attend work, or confirm their availability for work, they will not receive payment for that day as they will be deemed to be taking industrial action.
* Employees who are scheduled to work and are available for work, but who are unable to do so, for example due to a school closure, will receive their normal salary for that day, providing they have confirmed their availability to work on that day.

**How should I confirm my attendance on the day?**

* Managers and Headteachers will be required to complete a record of who has taken industrial action so that the necessary deduction from pay can be made. You should ensure that you confirm your attendance/availability to your manager/headteacher.
* If you are in a role where you do not necessarily see your manager eg community based, mobile or home workers, it may not be clear if you are taking industrial action or not. To ensure clarity, you should telephone your manager/headteacher (or the nominated person) at the start of your working day to confirm you are working. Alternatively, managers/headteachers may contact you to check if you are working or not. Any non–attendance at work or lack of telephone contact without an explanation will be considered to be industrial action and you will not be paid.

**Can annual leave be granted for the day of action?**

* If you have pre-booked annual leave eg as part of a fortnight’s holiday, this will not be affected by the industrial action and there will be no pay implications.
* In order to ensure that services which are already affected by industrial action are not further affected, annual or flexi leave which is requested specifically for the date(s) identified for industrial action will not be granted, unless there are exceptional reasons.

**How should I record industrial action on my flexi sheet?**

* You should record zero hours on your flexi sheet for the day when you take industrial action. At the end of the week a full time employee should deduct 7 hours 24 minutes from the weekly total and not the standard 37 hours. For part time employees the same principle applies (ie the weekly figure that you deduct should be your total hours usually worked, minus the hours for the day of action). This prevents you being penalised twice for one day).

**What happens if I am absent due to sickness?**

* If you are absent due to sickness immediately before the industrial action starts, you will be assumed to be on sick leave, providing that you can provide a doctor’s certificate to cover the absence.
* If you ring in sick on the day scheduled for industrial action, it will only be regarded as sick leave if it is supported by a doctor’s certificate from the first day of absence.
* If you do not provide a doctor’s certificate, it will be assumed that you are taking industrial action, and you will not be paid for the day.

**What happens if the school that my child attends is closed as all the teachers/support staff are on strike?**

* You should in the first instance discuss this with your manager/headteacher. Where it is agreed that you will be unable to attend your normal place of work, the following guidelines should be applied:
  + Agree home working arrangements where this is feasible, or
  + Agree that available flexi-time credit should be used if applicable, or
  + Agree extensions to the debit limits within the flex time scheme, or
  + Agree that time off in lieu is appropriate eg if you have a bank of lieu time accrued, or
  + Agree that you should take paid time off your annual leave entitlement (this should only be agreed if all alternative options have been exhausted), or
  + Agree that the time lost will be made up at a later date, or
  + Agree that unpaid time off is appropriate in the circumstances
* It should be noted that Urgent Domestic Leave cannot be used in these circumstances.
* The above should be applicable to most situations, either singularly or in a combination. However, in exceptional circumstances, if none of the above is appropriate, the manager/Headteacher can agree to sanction additional paid time off.
* Managers/Head teachers should not present any one option as compulsory but should take each individual’s needs and circumstances into account.

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