

HS24 Industrial Action | Standard Operating Procedure

1. Background information

1.1. Introduction/Purpose

1.1.1. This Standard Operating Procedure (SOP) aims to ensure that, in the event of industrial action, there are lawful, fair and consistent arrangements in place to ensure that all employees and students are protected accordingly. SOAS recognises the right of all employees to take lawful industrial action. With this, we are also required to remind everyone of the potential consequences.

1.1.2. This SOP applies to all SOAS employees and sets out arrangements to be put in place across the university in the event of industrial action.

1.2. Roles and Responsibilities

1.2.1. The Executive Board's responsibilities are detailed below:

- The university's Executive Board members are responsible for ensuring all relevant governing body members and school managers know the intended industrial action and that necessary arrangements are in place.
- The Executive Board should ensure that the School Managers know their delegated authority, responsibility and involvement. They are also responsible for keeping everyone informed of the dispute's progress.
- During industrial action, and depending on what action is being taken, managers' roles and responsibilities are to:
 - Carry out any appropriate and reasonable action during a dispute required by the university's Executive Board;
 - Seek to establish which employees took part in industrial action;
 - Ensure that all staff are aware of the 'Industrial Action: Code of Practice for SOAS Employees' document; and
 - Ensure that all statutory requirements relating to industrial action

are adhered to during the dispute, including the university's responsibility for the health and safety of its employees and students if said action is taking place on its premises.

- Further information about the roles and responsibilities of managers during industrial action can be found within the university's 'Industrial Action: Code of Practice for SOAS Employees' as outlined in the Main Content.

1.2.2. School Managers will be advised what action the university will take, in line with the 'Industrial Action: Code of Practice for SOAS Employees' as outlined in the Main Content.

1.2.3. School employees and recognised trade unions should ensure that any industrial action against the university is lawful under the 'Industrial Action: Code of Practice for SOAS Employees' as outlined in the Main Content.

1.2.4. UCU and UNISON must include as much information as possible in their Notice of Industrial Action, including the number, category or workplace of the employees involved so that the university can take necessary management action.

2. Main Content

2.1. Industrial Action: Code of Practice for SOAS Employees

2.1.1. This code aims to ensure that:

- Employees are given a clear indication of the school's likely response to industrial action and their responsibilities under the law;
- there is consistent and fair handling of industrial action;
- reasonable support and protection are given to those not taking part in the industrial action; and
- employees taking lawful industrial action following guidance from their Trade Union are not subsequently discriminated against.

2.2. Contractual Requirements

2.2.1. Pay:

- Employees will not receive regular pay for days missed due to industrial action. Payment would consequently be withheld at the rate of 1/365th for those taking part in strike action;

- If an employee strikes for one part of a day but continues their duties as usual for the rest of the day, the university reserves the right to send the employee home with no pay; and
- University employees who do not attend work because of refusal to cross a picket line will be treated as employees involved in strike action.

2.2.2. Superannuation (the following form of words is based on the current advice from USS and SAUL regarding the effect of industrial action upon pension contributions):

- Any employee who is a member of the USS or SAUL pension schemes absent through industrial action will still have their contributions paid in respect of a strike day.
- This is irrespective of whether their industrial action is for a full day or a partial day.

2.2.3. Annual Leave

- If an employee has previously booked annual leave during industrial action, this will be honoured, and standard payment will be made.
- However, no retrospective booking of annual leave can be made during or following declared industrial action, and the school is to reject requests for annual leave on strike days (once they are known).

2.2.4. Other absences besides annual leave and sickness absence:

- If an employee has previously confirmed a university business-related absence with their line manager, which is to take place during the same period as industrial action, the absence will be honoured and standard payment will be made.
- Examples of university business-related absences include conferences, supervising a research or educational field trip, working from home or paid sabbatical leave, etc.
- However, no retrospective booking of university business-related absences can be made during or following industrial action, where this absence coincides with a known strike day.

2.2.5. Sickness absence

- If an employee is sick on a strike day, or days, standard sickness payments will not be made unless the employee can provide a medical

note.

- Payment will only be reinstated from the date of written withdrawal from industrial action.

2.2.6. Action short of a strike

- If an employee takes part in action short of a strike, in cases other than working to contract, this represents a breach of their contractual obligations.
- Employees engaging in disruptive behaviour will not be tolerated, and such action will likely affect pay.

2.2.7. Conduct

- Any employee who breaks the law and/or the university's Code of Conduct whilst participating in industrial action will be in breach of their contract and may be subject to the SOAS Disciplinary Procedure
- Once the industrial action has finished, employees must not harass, intimidate, abuse or victimise any individuals that did or did not participate in strike action.
- Any examples of such behaviour will be treated seriously and dealt with under the university's existing policies and procedures (e.g., Disciplinary Policy, Grievance Procedures, Dignity at Work Policy, etc.).

2.2.8. Employees remaining at work

- Employees who choose not to participate in industrial action will be expected to continue their regular duties.
- Where an employee cannot gain access to their workplace because of an obstruction, they may be requested to carry out duties outside their job description and/or be relocated to another part of the university's premises.
- In such circumstances, the health and safety of SOAS employees will remain our priority.

2.2.9. Advice and support

- Please contact the HR Directorate to access the various advice and support services available.

2.3. Legal Requirements

2.3.1. SOAS employees are reminded that as per the *Trade Union and Labour Relations (Consolidation) Act 1992*:

- Peaceful attendance at the picket line is lawful for an employee at or near their place of work for the purpose of obtaining or communicating information or persuading any person to work or to abstain from working;
- peaceful communication with other persons is lawful (e.g., holding placards, chanting lawful slogans, etc.);
- insulting, abusive or threatening words or behaviour are unlawful (these may include gestures or slogans on placards, etc.);
- obstructing a highway is unlawful;
- damaging property is unlawful; and
- secondary picketing in support of employees outside of the school is unlawful.

2.3.2. Employees should be reminded that large groups of picketers, even when acting lawfully, will likely be perceived as intimidating or disruptive, causing resentment between those involved and those who are not.

2.3.3. With this, organisers of pickets should ensure that the number of participants does not exceed six at the entrance or exit of their workplace. Smaller numbers are preferred, in line with BIS guidelines.

3. Appendices

Appendix A: Model Communication for SOAS News Bulletin (template)

UNISON and/or UCU have declared a national/local strike/period of industrial action for [INSERT DATE OR DATES].

If you take part in planned industrial action, you will be in technical breach of your employment contract. Therefore, you will not receive payment from SOAS by the university's stated policy and procedures regarding Managing Industrial Action.

The SOAS Industrial Action Code of Practice, which states your obligations and requirements under the law and the university's policy, can be found at [\[INSERT LINK\]](#). Any breach of the Code of Practice may lead to disciplinary action without prejudice to your right to engage in lawful industrial activity.

The university policy allows staff to self-declare whether they are taking part in industrial action. Managers will also be asked to confirm whether staff have attended their place of work on strike days or are otherwise absent on authorised university business.

If you intend to participate in the proposed industrial action (including refusing to cross any picket lines), please send an email confirmation to industrialaction@soas.ac.uk by [INSERT DATE] to enable the appropriate salary deduction to be made in the [MONTH's] payroll.

[Appendix B: Letter to SOAS employees who participate fully in industrial action \(template\)](#)

TO: [INSERT NAME]

PLACE OF WORK: [INSERT PLACE OF WORK]

DATE: [INSERT DATE]

I am writing to advise you that by taking part in industrial action, you are in breach of your contract of employment and, as such, for each day of industrial action, you will not receive payment from SOAS.

Attached is a copy of the SOAS Industrial Action Code of Practice, which states your obligations and requirements under the law and the university's policy. Any breach of the Code of Practice may lead to disciplinary action.

If you have any questions, please do not hesitate to contact me.

SIGNED: HR Manager

[Appendix C: Letter to SOAS employees who withdraw part of their normal working activities whilst continuing to attend the workplace under an agreed framework \(template\)](#)

TO: [INSERT NAME]

PLACE OF WORK: [INSERT PLACE OF WORK]

DATE: [INSERT DATE]

I am writing to advise you that you are in breach of your employment contract by withdrawing from your regular work activities. For each day of industrial action, you will receive a salary deduction of [INSERT PERCENTAGE]% based on the SOAS sliding scale [\[INSERT LINK\]](#).

Currently, the university accepts your presence at work only for the expediency of the obligations it is required to deliver to its students but reserves the right to send you home without pay.

Attached is a copy of the SOAS Industrial Action Code of Practice, which states your obligations and requirements under the law and the university's policy. Any breach of the Code of Practice may lead to disciplinary action.

Please do not hesitate to contact me if you wish to make yourself available for your normal work activities.

SIGNED: HR Manager

[Appendix D: Letter to SOAS employees who withdraw part of their normal working activities and are not permitted to attend the workplace \(template\)](#)

TO: [INSERT NAME]

PLACE OF WORK: [INSERT PLACE OF WORK]

DATE: [INSERT DATE]

I am writing to advise you that you are in breach of your contract of employment by withdrawing from part of your regular work activities. SOAS cannot accept your presence on its premises. Therefore, you will receive no payment for each day of industrial action that you partake in.

Attached is a copy of the SOAS Industrial Action Code of Practice, which states your obligations and requirements under the law and the university's policy. Any breach of the Code of Practice may lead to disciplinary action.

Please do not hesitate to contact me if you wish to make yourself available for your normal work activities.

SIGNED: HR Manager