

SOAS University of London

POLICY FOR DEALING WITH INDUSTRIAL ACTION

Introduction

This policy sets out the arrangements that will be put in place across the SOAS, University of London (the School) in the event of industrial action. This policy applies to all the School's employees.

It is the objective of this policy that in the event of industrial action, there are lawful, fair and consistent arrangements in place to ensure that all employees and students at the School are protected accordingly.

The School recognises the right of its employees to take lawful industrial action but, at the same time, reminds its employees of the consequences of such action.

Responsibilities

1. Executive Board

The School's Executive Board members are responsible for ensuring that all relevant governing body members and School managers are made aware of the intended industrial action and that the necessary arrangements are put in place.

The Executive Board should ensure that the School's managers are fully aware of their delegated authority, responsibility and involvement and that everyone is kept informed of progress with the dispute on a regular basis.

2. The School's managers

School managers will be advised what action the School will take in accordance with the Roles and Responsibilities of SOAS Managers during Industrial Action and Industrial Action: Code of Practice for SOAS Employees outlined below.

3. School employees and the School recognised trade unions

School employees and the School recognised trades unions should ensure that any industrial action against the School is lawful and in accordance with the Industrial Action: Code of Practice for SOAS Employees outlined below.

Both UCU and UNISON must include in any Notice of Industrial Action as much information as they possess as to the number, category or workplace of the employees concerned so that the School is able to take necessary management action having been advised of potential strike action.

THE ROLES AND RESPONSIBILITIES OF SOAS MANAGERS DURING INDUSTRIAL ACTION

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 School's Executive Board;
- Seek to establish which employees took part in industrial action;
- Ensure that all staff are aware of this document containing the School's Industrial Action: Code of Practice for SOAS Employees;
- Ensure that all statutory requirements relating to industrial action are adhered to during the dispute, including the School's responsibility for health and safety of its employees and students who remain in the workplace.

Further information about the roles and responsibilities of managers during industrial action can be found within the "Industrial Action - Management Guidelines" document issued by the School.

INDUSTRIAL ACTION: CODE OF PRACTICE FOR SOAS EMPLOYEES

Aim of the Code

The aim of this Code is 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 is given to those employees not taking part in industrial action;
- Employees taking lawful industrial action on the instruction of their Trade Union are not subsequently discriminated against.

Legal requirements

School employees are reminded that in accordance with the *Trade Union and Labour Relations (Consolidation) Act 1992*

- Peaceful attendance at the picket line is lawful for an employee at or near his/her place of work for the purpose only of peacefully obtaining or communicating information, or, peacefully persuading any person to work or to abstain from working;
- Peaceful communication with other persons (e.g. by holding placards, chanting lawful slogans, etc.) is lawful;
- Generally insulting, abusive or threatening words or actions are unlawful (this may include gestures and slogans on placards, etc.);

- Obstructing the highway is unlawful;
- Damage to property is unlawful;
- Secondary picketing in support of employees outside of the School is unlawful.

Large numbers on a picket line are also likely to give rise to fear and resentment amongst those seeking to cross that picket line, even where no criminal offence is committed. They exacerbate disputes and sour relations not only between management and employees but between the pickets and their fellow employees.

Accordingly pickets and their organisers should ensure that in general the number of pickets does not exceed six at any entrance to, or exit from, a workplace; frequently a smaller number will be appropriate, in accordance with BIS guidelines.

Contractual requirements

Pay

- Employees will **not** receive their normal pay for days absent through industrial action. The effect of this would be that pay would be withheld at the rate of 1/365th for all those taking part in strike action or action short of a strike for each day they take that action;
- The School will **not** recognise partial performance by an individual during a strike day or action short of a strike where that person withholds their labour for any part of that day. Where School employees participate in industrial action short of strike action the School reserves the right to send the employee home on no pay;
- School employees who do not attend work as a result of a refusal to cross a picket line will be treated as employees taking strike action.

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 School employee who is a member of either the USS or SAUL pension schemes and who is absent through industrial action will still have their contributions paid in respect of a particular strike day. This is regardless as to whether their industrial action is for a full day or days or a partial day.

Annual Leave

Where School employees have previously booked annual leave during a period of industrial action that coincides with a strike day or days, this will continue to be honoured and normal payment will be made. However, no retrospective booking of annual leave can be made during or following declared industrial action and the School policy is not to allow requests for annual leave on strike days (once they are known)

Other absences besides annual leave and sickness absence

Where School employees have previously agreed with their line manager a School business-related official absence during a period of industrial action that coincides with a strike day or days, this will continue to be honoured and normal payment will be made. Examples of School business-related absences, which are not exhaustive, might be Academics attending School business-related conferences; supervising a research or educational field trip; working from home; or paid Sabbatical leave. However, no retrospective booking of School business-related absences can be made during or following industrial action, where this absence coincides with a strike day or days.

Sickness absence

Where a School employee is off sick on a strike day(s), normal sickness payments will not be made unless the employee provides a medical certificate to cover the sickness absence on the strike day(s). Payment will only be reinstated from the date of receipt of written notice of an employee's withdrawal of industrial action.

Action short of a strike

Where an employee takes part in action short of a strike, in cases other than working to contract, this represents a breach of his/her contractual obligations. Partial performance with the object of disruption will not be accepted by the School and employees are warned that such action is likely to affect their pay.

Conduct

Any School employee who breaks the law and/or the Schools Code of Conduct whilst participating in industrial action will be in breach of their contract and as such may be subject to the School's Disciplinary Procedure.

At the end of industrial action, School employees will not harass, intimidate, abuse or show less favourable treatment to other employees on the grounds that they did or did not participate in strike action. Any examples of such will be treated seriously and dealt with in accordance with existing policies and procedures (e.g. Disciplinary Policy, Grievance procedures and Dignity at Work policy).

Employees remaining at work

Employees who choose not to take part in industrial action will be expected to undertake their normal duties.

Where essential School business is not being delivered or an employee cannot gain access to their workplace because of an obstruction, employees may be requested to undertake duties outside of their normal job description and/or be moved to another School building location. In such cases, School employees will not be put at any risk to their health and safety.

Advice and support

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

HR Directorate SOAS November 2013

APPENDIX 1

MODEL COMMUNICATION FOR SOAS NEWS BULLETIN

UNISON and/or UCU have declared a national/local strike/period of industrial action for (*insert date or dates.....*)

I must advise you that if you take part in the planned industrial action you will be in technical breach of your contract of employment and therefore you will not receive payment from the School, in accordance with the School's stated policy and procedures in relation to Managing Industrial Action.

The SOAS Industrial Action Code of Practice which states your obligations and requirements under the law and the School's policy can be found at (LINK). It is important to note that any breach of the Code of Practice may lead to disciplinary action being taken against you, but that this is without prejudice to your right to engage in lawful industrial action.

The School policy is to allow staff to self-declare whether or not they are taking part in industrial action, although managers will also be asked to confirm whether or not staff have attended their place of work on strike days, or are otherwise absent on authorised School business.

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

HR DIRECTOR

2. Letter to School employees who participate fully in Industrial Action

TO:
PLACE OF WORK:
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 the School.

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

In the event that you wish to make yourself available for the whole of your normal working activities, please do not hesitate to contact me.

SIGNED: HR Manager

3. Letter to School employees who withdraw part of their normal working activities and it is agreed that they can remain at the workplace

TO:
PLACE OF WORK:
DATE:

I am writing to advise you that by withdrawing part of your normal work activities you are in breach of your contract of employment and as such for each day of industrial action you will receive a deduction of ___% from your salary based on the SOAS sliding scale (*link to sliding scale*).

At this moment the School accepts your presence at work only for the expediency of the obligations the School is required to deliver to its students but reserves the right in due course not to accept your presence at work and send you home without pay.

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

In the event that you wish to make yourself available for the whole of your normal working activities, please do not hesitate to contact me.

SIGNED: HR Manager

4. Letter to Employees who withdraw part of their normal work activities and it is agreed that they cannot remain at the workplace

TO:
PLACE OF WORK:
DATE:

I am writing to advise you that by withdrawing part of your normal work activities you are in breach of your contract of employment and as such the School cannot accept your presence

on the School's premises. You will therefore not receive any payment of your salary for each day of industrial action.

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

In the event that you wish to make yourself available for the whole of your normal working activities, please do not hesitate to contact me.

SIGNED: HR Manager

SOAS HR Directorate November 2013