

## **Policy on Industrial Action and Withholding Pay**

The University's policy on industrial action and withholding pay has been developed to protect its mission to provide high-quality academic and professional higher education and to mitigate the risk of student claims.

Industrial action should be viewed as a last resort. Staff members taking any form of industrial action will be in breach of their contract of employment, as they will not be undertaking the work they are paid to do.

Official industrial action is protected, subject to certain rules, for unfair dismissal purposes. However, there is no obligation on the University to pay staff members for work that has not been undertaken or for action short of a strike/partial performance.

### **Strike action**

1. A day's pay will be withheld for each day a staff member takes part in strike action. Pay will be withheld on the basis of  $1/260^{\text{th}}$  of a staff member's salary.
2. If a staff member has a salary sacrifice in place the full 'notional' salary will be used for calculating the amount to withhold.

### **Action short of a strike (also known as partial performance)**

3. The University's rejects the notion of action short of a strike or partial performance. If a staff member decides to take part in action short of a strike i.e. is willing to undertake some of their contractual duties but refuse to undertake others then they will be in breach of their contract and a day's pay will be withheld on each day a staff member takes action short of a strike. Pay will be withheld on the basis of  $1/260^{\text{th}}$  of a staff member's salary.

### **Communication with staff regarding the withholding of pay**

4. Human Resources will write to staff members giving notice that pay will be withheld and, at the earliest opportunity, the level at which pay will be withheld.
5. Staff members will be asked to return a pro forma to Human Resources stating their intention regarding taking part in industrial action.

6. Staff members who fail to return the pro forma will be considered to be taking part in industrial action and their pay withheld. If the member of staff is not taking part in industrial action and they notify Human Resources and sign and return the pro forma then any pay withheld will be repaid as soon as reasonably practicable.

### **External communications**

7. The Marketing Department will be responsible for co-ordinating all external communications regarding industrial action in line with the recommendations of the Universities Employers Association (UCEA).

### **Annual leave during industrial action**

8. Staff members taking part in industrial action who have had annual leave authorised prior to commencement of action will be entitled to go back on full pay for the period of their authorised leave. In this instance the staff members will be responsible for notifying Human Resources who will seek confirmation from their line manager before notifying payroll.

### **Pension contributions**

9. The Trades Unions will normally advise staff members on the implications for pension cover for staff members taking part in the industrial action.

### **Return to normal working**

10. There is no obligation for the University to repay any sums withheld from a staff member following the conclusion of industrial action, or confirmation from them that they are no longer taking part in the industrial action.

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