

**Human Resources
Strike Action & Action Short of a Strike
FAQ November 2022**

The following FAQ aims to deal with any queries you may have. On the day of the strike your manager will need to check whether you are in work.

What is industrial action?

UCU has a mandate for two forms of industrial action:

(i) Action Short of a Strike: continuous action effective from 23 November 2022 in the form of:

- working to contract;
- not undertaking any voluntary activities
- not covering for absent colleagues;
- removing uploaded materials related to, and/or not sharing material related to, lectures or classes that will be or have been cancelled as a result of strike action and
- not rescheduling lectures or classes cancelled due to strike action

Please note that currently marking and assessments are not part of the mandate.

This current action will terminate no later than 20 April 2023.

(ii) Strike Action: involving the withdrawal of labour, has been called on: Thursday 24, Friday 25 and Wednesday 30 November 2022.

What happens if I am on leave?

Any leave taken must have been agreed in advance of the strike days. If you have previously agreed leave with your line manager on one of the 'strike action' days then this will be treated as a day's leave.

Can I work from home on the day of the strike?

If you are normally scheduled to work from home on the strike days, then you are permitted to do so. If you would normally be on the premises, then you will not be permitted to work from home on the 'strike action' days unless this has been previously agreed with your line manager and you have confirmed with them that you are not on strike. It is important that employees are treated fairly and that employees taking industrial action are recorded accurately.

I work part-time: what if it is not my normal working day?

You will not be deemed to take part in any industrial action. Please ensure that your manager is aware which 'strike days' are not a normal working day for you.

What if I do not want to go on strike?

You are not compelled to take action even if you voted in favour. You cannot be ejected or disciplined by your union for declining to take part in the action.

Can I be asked to cover the work of someone who is participating in industrial action?

Yes. UCEA guidance is clear that you could be asked to cover other work that is within your competence and commensurate with the grade of your post.

How much pay will be deducted and when?

If you take industrial action by going on strike, for the day or part thereof, you will be deducted 1/365th of your normal pay for each day of action. This will be deducted over a period of 2 payroll months as follows:

- December 1 day (24 November)
- January 2 days (25 & 30 November)

All pay withheld will be used to support student welfare.

How will it affect my pension?

Pension contributions will be paid as normal.

I am grant funded, what happens to the money that is deducted?

Pay is deducted as normal, but held in the grant account.

I am supporting the action: what activities are viewed as a breach of contract?

Any duties normally associated with your role within the University that you fail to undertake will be a breach in contract. This includes, but is not limited to:

- Open Days
- Marking
- Setting Exams
- Teaching
- PhD Supervision
- External Examinerships
- Carrying out assessments

Are you deducting pay for ASOS?

In relation to Action Short of a Strike, individuals should be aware that the mandate includes activities that could be viewed as a breach of contract in the form of: not covering for absent colleagues, where this is the norm for the School; removing uploaded materials related to, and/or not sharing material related to, lectures or classes that will be or have been cancelled as a result of strike action; and not rescheduling lectures or classes cancelled due to strike action, if asked to do so.

Where a breach of contract occurs, this is viewed as partial performance, and the University would be entitled to withhold pay at 100%. The University does not intend to withhold pay for partial performance at this stage, but reserves the right to change this position in the future, should we consider it necessary to safeguard the interests of our students. In the meantime, it is our expectation that employees will continue to undertake their normal contractual duties, except on days when they are taking strike action.

Due to Industrial Action, several of my classes were impacted. Do I need to reschedule?

Yes. You should make every effort to reschedule any classes or lectures if you are asked to do so by your Head of School. Staff will not be expected to work additional hours to reschedule classes – rather, Heads of School are being asked to take a pragmatic approach, considering which classes are essential in terms of rescheduling, and altering individuals' workloads to allow the class to be rescheduled during a normal working day.

Can I be on the picket line?

Yes. If you are a member of the trade union taking industrial action or a worker who is party to the dispute you may be involved in picketing.

How many people can be on a picket line?

The Code of Practice on Picketing suggests there should be no more than 6 people on a picket line at any one time.

Where can the picket line be located?

The picket line can be at or near the picket's place of work but not on University premises.

Can I cross the picket line?

Yes. You have a right to cross a picket line and it is a criminal offence to stop you crossing one.

I am not a member of UCU although eligible to join (academic, professional G6 and above). What happens if I don't want to cross the picket line?

If you do not wish to cross the picket line, you will be considered to be on strike.

I am a member of another Union. Can I join the strike action?

No. The strike mandate does not apply to members of unions other than UCU, so a failure to turn up to work would be treated as an unauthorised absence and would be subject to disciplinary proceedings.

Should employees who are not members of UCU attend work on the day of the strike?

Yes. You may have to cross a picket line but we anticipate that this will be a peaceful picket. All employees have the right to cross a picket line, even if they are members of the union that has called the strike action.

How should I expect the picket line to behave?

The picket line can peacefully try to persuade you to support the industrial action and not to cross the picket line. They cannot:

- use threatening or abusive words or behave in a threatening manner towards others passing close to the picket line
- deliberately get in the way of other people or vehicles attempting to enter or leave premises being picketed
- damage property, either deliberately or recklessly
- cause or threaten to cause a breach of the peace

- obstruct a public highway, such as a road adjacent to the premises being picketed
- prevent, or attempt to prevent, a police officer from carrying out their duties

What should I do if I experience unacceptable behaviour crossing the picket line?

If you experience any such behaviour, please contact [Human Resources](#), call 463096 to report the issues. You can also report issues, including anonymously, via [Report and Support](#).

Can I ask my staff if they will be in work on the day of the strike, and when?

Yes. You may ask employees if they will be in work at any point prior to the day of action. However, employees are under no obligation to respond.

Can I stop assessment and exam setting?

No. This is not part of the industrial action mandate submitted by UCU. Failure to set or mark assessments and exams will be a breach of contract and pay will be deducted at 100%.

What if I am Hourly paid and on strike?

Where classes have been cancelled and are reinstated, you will be paid in full both for the class and for associated preparation time at the time of delivery (if preparation time has not already been previously paid) in line with your normal contractual arrangements.

Where classes are not being rescheduled, but you confirm that you have already carried out preparation time for the class on a non- strike day, the University will pay for that preparation time in line with your normal contractual arrangements, notwithstanding that the class was not ultimately delivered.

Please note: The University will require evidence of what preparation was conducted to be able to process any payment due. This should include the details/hours of authorised preparation time carried out on non-strike days and the class/module that preparation time was in relation to. We may also need confirmation from the Head of School that the class is not to be rescheduled.

All hours should be discussed and submitted via your Head of School (or appropriate nominated person within the School), in line with normal payment practice.

What should I do if a Student reports stress as a result of the ongoing industrial action?

You should offer them support and refer them to Student Services if necessary.

<https://www.st-andrews.ac.uk/students/advice/counselling/#d.en.1486095>

I have organised an event at the University which falls on a strike day, should I cancel this?

No. While we appreciate this may be difficult, and people may decide not to attend, the default position of the University is that meetings should not be re-arranged.

If you are the key organiser, and will be taking strike action, we would ask that you nominate another individual to host the event.

I have meetings with students and/or colleagues scheduled on a strike day, should I cancel/reschedule this?

If you have a one to one meeting, and will not be able to attend as a result of taking action, then we would ask that you re-arrange these meetings to a non-strike day.

If the meeting involves several individuals such as a School/Unit Equality Meeting, Wider University meeting, it is important that any pre-planned meetings continue, not simply due to the logistical issues of re-arranging, but also noting that not all individuals will be participating in strike action. If you Chair these meetings, we would ask that you nominate another individual to take on this role in your absence.