



## **Industrial Action – Frequently Asked Questions for Employees**

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## Introduction

This FAQs has been created to provide employees with information on industrial action and how it could affect them, as well as addressing any common questions they may have.

### 1. What is industrial action?

Industrial action occurs when trade union members are unable to resolve a dispute with their employers through negotiations. In order to call for industrial actions, trade unions must have majority support from its members through a properly organised postal vote, known as 'ballot'. Before conducting a ballot, the unions must determine which members affected by the dispute should be asked to participate in industrial action. The unions are required to inform all eligible voting members and the employer of the ballot results.

### 2. Who can participate in industrial action?

Those eligible to participate in industrial action are employees who are members of a trade union that has conducted lawful ballots and provided notification to the employer. Non-union members who choose to strike are also protected, **while employees who are members of other unions are not eligible for protected industrial action.**

### 3. Picketing

Picketing during industrial action must be supervised by a union official who is knowledgeable about the statutory Code of Practice on Picketing.

- Pickets must:
  - be peacefully obtaining or communicating information
  - be peacefully persuading any person not to work
  - be picketing at or near their place of work - flying pickets are unlawful
  - Not commit any other unlawful act, such as nuisance, trespass or obstruction.
  - The Code of Practice on Picketing contains advice on picketing including a suggestion that the number of those picketing should be restricted to six at any exit or entrance from a workplace.

Employees who refuse to cross a picket line maybe considered on strike, potentially resulting in pay deduction.

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### **4. What occurs during a strike day?**

Regardless of whether you are part of a union or not, you must either work as usual or not work at all on the strike day. Going on strike is considered a violation of your employment contract, and as a result, your salary will be deducted for each day you participate in the strike. If you choose not to strike, you must still work normally, even if it means crossing a picket line to get to work.

### **5. Am I allowed to work on strike days?**

Yes, the school will make every effort to support you. If you have any concerns about this, please speak with your headteacher before the strike day to discuss it confidentially. If you attend work on strike days, it is your responsibility to inform your headteacher so that your attendance can be recorded. Failure to do so may result in a deduction of pay. If you do come to work, you will not be expected to perform tasks that are outside of your job role.

### **6. Can I work from home?**

During strike days, the school must maintain on-site safeguarding, supervision, and duty-of-care arrangements for pupils who attend. For this reason, it is not possible to work from home. The School will communicate with you in relation to your working arrangements.

### **7. What happens if I become ill?**

If you fall sick on a strike day, you will need to provide a doctor's medical certificate, even for a single day of absence. Otherwise, your absence will be treated as a strike in terms of pay. You must also follow the Schools' sickness procedure and call your workplace as usual.

### **8. What happens to my pension?**

If you go on strike and lose pay, you will also lose the benefit of any pension contributions during that period. If you have any questions regarding your pension contributions, please contact the council's pensions team.

### **9. Can I speak to the media?**

School employees should refrain from making statements to the media that could be seen as speaking on behalf of the School.

### **10. What should I do if I want to go to work but don't want to cross the picket line?**

If you choose not to cross the picket line, you will be considered on strike for pay purposes. Trade Unions have the right to peacefully picket and persuade you not to attend work. However, this does not mean you can't cross the picket line.

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**11. Will I be paid if I go on strike?**

No, if you decide not to work, your pay will be deducted for each day you don't attend work. To avoid this, inform your headteacher that you will not be on strike.

**12. What should I do if my workplace is closed?**

Check with your headteacher the day before the strike to see if your workplace will be open. If not, find out any alternative working arrangements that may have been made. It is your responsibility to do so.

**13. Is it safe to work if only a few staff members are present during the strike?**

The headteacher should conduct a risk assessment to ensure staff safety. Normal health and safety measures apply during strike days.

**14. Can I work for another employer on the day of the strike?**

You are not permitted to work for another employer on that day, unless you have a second job and would normally work those hours during that time.

**15. Will I be paid if I am willing to work but the workplace is closed?**

Yes, you will be paid if you have informed your headteacher in advance about your availability to work. Your headteacher will provide guidance on how to register your availability if the workplace is closed.

**16. Will the strike affect my continuity of service?**

If you participate in the strike, your current period of "continuous service" will not be interrupted. However, strike days do not count as working days for calculating qualifying periods of employment, e.g., for redundancy, pension, unfair dismissal claims.

**17. What support is available if I am affected by industrial action?**

There are various support channels should you have any concerns or be directly affected by this situation. Please reach out to your headteacher if you have any concerns related to the industrial action. Additionally, there are further support available for staff affected by an industrial action through HR, Trade Unions and EAP service (subject to your school providing this service).

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