LETTER TO EMPLOYEES

To: Employees affected by the NUT, UNISON, GMB & UNITE Industrial Action

STRIKE ACTION BY THE LOCAL GOVERNMENT TRADE UNIONS – 10 JULY 2014

As you are aware, NUT have announced that they intend to hold a one day national strike on the 10th July in relation to their dispute over pay, pensions, working conditions and jobs. The local government trade unions (UNISON, GMB & UNITE) are also taking strike action regarding the national pay offer and this is now planned to take place on 10 July 2014. It is likely that there will also be further action on 9 & 10 September 2014. The strike will last throughout the day and your place of work could be affected.

If you have never been involved in a strike at your place of work, you may be uncertain how strike action could affect you. This letter sets out certain information for you.

General Points

1. Whether or not you are in a union, you must either work normally or not at all on the strike day. As going on strike is a breach of an employee’s contract of employment, for every day that you are on strike a deduction of salary will be calculated at a daily or part-daily rate based on the day’s salary being 1/365th of a year in accordance with the Conditions of Service for School Teachers in England and Wales (the Burgundy Book). The deduction will be taken from your salary payment as soon as is practical after the strike (26 August 2014).

Non-teaching staff:

For any strike action, the Authority’s policy is that pay will be deducted from those employees on strike on the basis of the actual hours not worked on the day of the strike action. This is a Council rule not a collective agreement. Therefore, deductions will be calculated in relation to the employee’s contracted work hours. These principles also apply to manual/craft workers. The deduction will be taken on the 26 August for monthly paid staff, 19 August for four-weekly paid staff and the 24 July for weekly paid staff.

2. If you have decided not to strike, you must work normally even if it means crossing a picket line to get into work.

3. If you attend work on the strike days the onus is on you to inform your Head Teacher/Manager that you are at work so that your attendance is recorded in the usual way. Failure to do so may result in the deduction of pay (as detailed in point 1 above.)

4. If you do attend work you will not be compelled to carry out duties which are not within your job role. You may be asked to work at a different location, or to carry out tasks that are common to all jobs at your work location but, even if you are asked, you do not have to carry out tasks which are a specific part of someone else’s job, unless you are willing to do so.
5. If you wish to attend for work, the Council/your School/Governing Body will endeavour to support you. If you have any concerns about this please contact your Head Teacher/Manager before the strike day to discuss this in confidence. If the school (or other place of work) is closed and you would otherwise have been available to work, your management will inform you of how to register that you are available for work.

6. “Working at home” and “from home” are not arrangements to be used to enable employees to avoid the difficulty of crossing a picket line. It will only be acceptable if these arrangements are part of your normal working week, and you must notify your Head Teacher/Manager of your intentions.

7. If you fall sick on a strike day, you will need a Doctor’s medical certificate even for a single day’s absence; otherwise, in terms of pay, you will be treated as being on strike. You must also telephone in to your workplace as usual in accordance with your School's (or your place of work) normal sickness absence reporting rules.

8. **Pensions Issues:**

   **Teachers**
   There is no provision within the TPS to ‘buy back’ strike days. If you go on strike and lose pay, you will also lose the benefit of any pension contributions for the period you are on strike. Employees who have any queries regarding their pension contributions should contact their School’s HR Service Provider.

   **Non-teaching staff:**
   For any days that you take part in strike action, you will not build up a pension. You can choose to take out additional pension contributions (APCs) to buy back the pension you have lost. The amount it costs you is based on the pay that you have lost due to being on strike; you can calculate how much this will cost by visiting [www.lgps2014.org](http://www.lgps2014.org) and entering your details into the lost pension calculator. To buy back the service you must complete a form (which will be available from Amar Qayyum on 01274 435623).

9. **Communication with the Media:**
   Local Authority employees should refrain from making comments to the media which could be construed as speaking on behalf of the Council. If you are contacted by a Journalist, you should direct them to the Council’s press office on 01274 433526.

10. Employees are reminded about the school’s policy on the personal use of electronic communications equipment. It is not acceptable to use the school’s email, intranet, website, telephones or other electronic communications for any activities involving the furtherance of the industrial action.

11. Further questions and answers regarding the industrial action can be found below.
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INDUSTRIAL ACTION – FREQUENTLY ASKED QUESTIONS

Q1: I want to attend work, but don’t want to cross the picket line. What should I do?
A: Whether you are a member of a union or not, the choice is yours. If you don’t cross the picket line then you will be regarded as being on strike for pay purposes and for every day on strike, a deduction of salary will be calculated at a daily or part-daily rate based on the day’s salary being 1/365th of a year in accordance with the Conditions of Service for School Teachers in England and Wales (the Burgundy Book) for teachers.

Non-teaching staff
For any strike action, the Authority’s policy is that pay will be deducted from those employees on strike on the basis of the actual hours not worked on the day of the strike action. This is a Council rule not a collective agreement. Therefore, deductions will be calculated in relation to the employee’s contracted work hours. These principles also apply to manual/craft workers

Q2: I’m worried that the pickets will prevent me from coming into work. What can I do?
A: Trade Unions have the right to picket peacefully in an attempt to explain the reason for the industrial action and to persuade you not to attend work. This does not mean that crossing the picket line will be easy – emotions are often heightened during industrial action.

Q3: If I go on strike will I be paid?
A: No. If you chose not to work then the deduction from your pay will be calculated at a daily or part-daily rate based on the day’s salary being 1/365th of a year if you are a teacher and an hour’s pay for each hour not worked if you are a member of the support staff.

Q4: I work part time and the strike day is NOT one of my normal working days. What do I do and what will happen?
A: You need to tell your Head Teacher/Manager that you will not be on strike and then no deduction will be made from your pay.

Q5: I work part time and I intend to strike. What will be deducted from my pay for the strike?
A: For Teachers, The deduction for part time employees will be equivalent to 1/365th of your pro rata annual salary.

The deduction, for non-teaching staff, deductions will normally be calculated for full days not worked on the basis of 7.5 hours Monday to Thursday and 7 hours on Friday, the hourly rate being that which is shown on the employee’s pay slip.
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If an employee is contracted to work other than the normal hours shown above, then deductions will be calculated in relation to the employee’s contracted work hours. These principles also apply to manual/craft workers. Appropriate hourly calculations will be made for deductions for any part day of strike action.

Q6: When will the deduction from my pay take place?
A: The deduction from your pay will be taken as soon as is practical after the strike see general points 1 above.

Q7: What do I do if I report to work but my place of work is closed?
A: You should check with your Head Teacher/Manager the afternoon before the strike day to see whether your place of work will be open, and if not, what you should do. It is your responsibility to find out any alternative working arrangements that may have been put in place.

Q8: Only a few members of staff are going to be at work during the strike – is this safe?
A: The Head Teacher/Manager of your place of work should undertake a risk assessment to ensure that it is safe for staff to work.

Q9: Can I work from home on the strike day?
A: No, not unless working at home on that day is part of your normal working arrangement – in which case you need to notify your Manager of your intention.

Q10: What if I am sick on the strike day?
A: You must obtain a medical certificate from a Doctor and you must also telephone in to your work place as usual in accordance with your School’s (or place of work) normal sickness absence reporting rules.

Q11: I have been notified that the school(s) that my child(ren) attend(s) may not be open due to the strike. Can I take a day’s parental leave to look after them?
A: There should be sufficient time for you to make alternative childcare arrangements. However, in exceptional circumstances, parental leave without pay may be granted at the discretion of the Governing Body (or Strategic Director for centrally employed teachers) in cases where school or nursery closures mean that you are obliged to be off work in order to care for your child(ren) when you would otherwise have been available for work.

Q12: Can I work for another employer on the day of the strike?
A: If you are on strike you do not have permission to work for another employer on the day of the strike unless you have a second job and would normally work those hours in that second job.
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Q13: If I wish to pay pension contributions for the period of the strike what should I do?
A: Teachers
There is no provision in the TPS for Teachers to ‘buy back’ strike days. The strike days will not be recorded as reckonable service and therefore will not be used in any calculation for pension purposes.

Non-teaching staff
For any days that you take part in strike action, you will not build up a pension. You can choose to take out additional pension contributions (APCs) to buy back the pension you have lost. The amount it costs you is based on the pay that you have lost due to being on strike; you can calculate how much this will cost by visiting www.lgps2014.org and entering your details into the lost pension calculator. To buy back the service you must complete a form (which is available from Amar Qayyum, telephone 01274 435623)

Q14: Do I get paid if I am prepared to work but the school or place of work is closed?
A: Yes, provided that you have notified your Head Teacher/Manager that you are available to work. Your management will advise you on how you should register your availability to work in the event that the school or place of work is closed.

Q15: Will the strike break my continuity of service?
A: If you strike, your current period of “continuous service” will not be broken for the purpose of reckoning your holiday, sickness, maternity and redundancy pay entitlements.

George McQueen
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Access and Inclusion