Q. What is industrial action?

A. Industrial action can take two forms - strikes or action short of a strike. Action short of a strike can include only working contracted hours and only doing jobs specified in job descriptions, refusing to work standby duty or voluntary overtime.

Industrial action will be protected by law if:
- The dispute relates to a trade dispute between workers and their employers.
- A secret postal ballot has taken place and action has been agreed by the majority.
- Detailed notice about the action has been given to the employer at least 7 days before action is due to take place.

There is no protection for:
- Unofficial industrial action.
- Action called by a union without the support of the majority in the ballot.
- Secondary industrial action (supporting workers of another employer).
- Action promoting “union labour only” action.
- Action in support of anyone dismissed for taking unofficial action.

Q. What happens if I don’t come into work because I have decided to take strike action?

A. If you do not attend work because of strike action you will be in breach of your contract and as a result you will not be paid. The deduction from your salary will be on the basis of a fifth of a week’s pay for every day of strike action (pro rata for part days). If you are a teacher, the deduction from your salary will be on the basis of 1/365th of a year's salary (pro rata for days), as set out in the Burgundy Book.

In addition, there will be an impact on your continuous service in relation to qualifying periods for certain statutory contractual rights or benefits and any contributions made to your pension scheme (Local Government Pension Scheme or Teachers’ Pension). If you take strike action for a day or more then the service is not reckonable for pension purposes. If you are in the Local Government Pension Scheme you can, if you wish, pay to count the service. The cost of paying for lost pension is in accordance with guidance from the Government Actuary Department (GAD), but you will also be paying the employer’s share as well. There are time limits on this and the Local Government Pension Section can advise further. This is not an option if you are in the Teachers’ Pension Scheme.
Q. What happens if I attend work but refuse to undertake duties which form part of my contract of employment (action short of a strike)?

A. If you refuse to undertake duties that are set out in your contract you will be in breach of contract and your manager may send you home and pay may be deducted. While you are in breach of contract your pay will be deducted at the same rate outlined in the previous question.

Q. What happens if I don’t cross any picket line outside of my place of work?

A. In order to be paid on a day of strike action you must cross any picket line and undertake your duties. Failure to do so will result in the loss of a day’s pay. Staff are only allowed to picket at or near their place of work. Any unknown picketers should be reported to HR (or to your manager if you work in a school).

Q. What if I want to cross the picket line?

A. You have the right to cross a picket line if you don’t support the industrial action being taken, even if you are a union member.

Q. What should I do if I am physically prevented from crossing a picket line?

A. In the event of you being physically prevented from crossing a picket line (which should not happen) you should notify your manager immediately to make them aware of the situation.

Q. Can I take annual leave during strike action instead of losing a day’s pay?

A. If you had annual leave booked in advance of industrial action being announced then you should be able to continue with your booked annual leave, with your line manager’s authorisation. Annual leave requests after strike action has been announced will not be granted for the period of strike action. You must notify your line manager if it is your intention to take part in strike action.

Q. What if my child’s school closes as a result of industrial action?

A. If you are unable to attend work due to child care arrangements as a result of school closures you will be expected to make alternative care arrangements or take leave in some form, for example, annual leave, flexi-time or carers leave, by agreement with your line manager. Where this is not possible unpaid leave may be granted with prior approval of your manager. This also applies if you have caring responsibilities for other dependents which is impacted upon by industrial action.

Alternative Formats
This document is available in other formats. Call 01622 694778 or email Employment Policy Team for further details.

Connect2Kent interpreting and translations services can help explain services to people if their first language is not English if you call 0845 365 1645. An English-speaking operator will take details of your requirements and arrange a translation or interpreting service. You may need an English-speaking friend or a family member to help you with this.

For Text Relay please call 18001 03000 41 41 41