

## FAQs for Staff Considering or Taking Strike Action



### Issued by the Human Resources Team

If you require this FAQ in another format please go to the end of this document for details.

#### **Q What is industrial action?**

**A.** Industrial action can take two forms - strikes or industrial action short of a strike. Action short of a strike can include only working contracted hours and only undertaking tasks specified in job description, 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).

In addition, there will be an impact on your continuous service and any contributions made to the Local Government Pension Scheme. If you take strike action for a day or more then the service is not reckonable for pension purposes. You can, if you wish, pay Additional Pension Contributions (APCs) to buy lost pension. The cost of paying for lost pension is in accordance with guidance from the Government Actuary Department (GAD), the full cost is paid by you. If you do not pay for lost pension during a period of strike action it will not count for pension purposes. The pension you build up in your account for that year will be lower. If you are in your final year of membership in the Scheme and you have membership before 1 April 2014, a lower final pay may affect your pension benefits.

#### **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 days pay. Staff are only allowed to picket at or near their place of work. Any unknown picketers should be reported to the Human Resources Team.

**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. Annual leave requests after strike action has been announced will not be granted for the period of strike action. You should notify your line manager of your intention to take part in strike action.

### **[Alternative Formats](#)**

This document is available in other formats. Call 03000 421553 or email [alternativeformats@kent.gov.uk](mailto:alternativeformats@kent.gov.uk)