

Industrial Action – Guidance for Managers and HR



Issued by the Human Resources Team

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

Industrial action can take two forms - strikes or industrial action short of a strike which can include:

- only working contracted hours
- only doing work specified in job descriptions
- refusing to work any standby duty (if voluntary)
- refusing to do voluntary overtime.

In order for the industrial action to be legally protected a ballot must have taken place beforehand.

Information for Managers

Before the strike:

- as a manager you should make your staff aware that if they do participate in strike action they will be in breach of their contract and will not be paid
- staff should be made aware that each day of strike action will not be counted towards continuous service calculations
- managers should inform staff that if they want to come into work but are prevented from doing so at the picket line staff should call managers immediately to make them aware of the situation
- managers should try to find out in advance which members of their teams are likely to take strike action and make contingency plans accordingly
- prior to any action, the Directorate Management Team (DMT) in conjunction with their HR & OD Manager should try to minimise disruption by forewarning KCC of areas likely to be affected.

During the strike:

During industrial action the primary responsibility of managers is to keep services operating satisfactorily and running as normal as possible.

- staff who turn up for work should, within reason, be asked to cover essential services
- managers should inform the Human Resources Team on the day of action the names of staff who have decided to take action. Managers should also inform the Human Resources Team of the impact on the service
- details of staff who have taken action and the type of action taken should be sent to payroll to make the appropriate deductions. For everyday of action a fifth of a weeks pay will be deducted (pro rata for part day action)

- managers should advise the Human Resources Team if industrial action taken is different to that which union members were balloted
- staff participating in strike action should only picket at or near their place of work. Any unknown persons at pickets should be reported to the Human Resources Team.
- misconduct by those individuals taking strike action will, if appropriate, be managed in line with the KCC's Disciplinary Procedure. The Human Resources Team should be notified of any such incidents
- in the event that the dispute is in the local workplace, all steps should be taken to work towards a mutually acceptable settlement
- staff who do not participate in strike action should not be granted annual leave during the strike period. Similarly, annual leave requests should not be granted to an individual who is taking strike action.

After the strike:

- staff have the right to voice their opinions through strike action and should not be victimised for doing so; it is unlawful to treat someone less favourably who has taken part in strike action
- all sickness on the days of strike action should be followed up in line with normal policy. A doctor's certificate may be requested if there is reason to believe the individual has taken strike action.

Action short of a strike:

- where staff are taking action short of a strike and it is clear that they are not working to the requirements of their contract they can be sent home or have pay deducted. However, this can sometimes be difficult to decide when staff regularly undertake duties outside of their contract. In these circumstances you should contact the Human Resources Team.
- managers should consult with the Human Resources Team if they are considering sending an employee home and/or withholding pay for failing to undertake their contractual role in the event of action short of a strike.

[Alternative Formats](#)

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