

2014 NJC Pay Dispute

Industrial Action – Members’ Frequently Asked Questions (FAQs)

1. Why did we ballot for industrial action?

The Trade Union Side claim this year to the NJC was designed to call a halt to poverty pay in local government and schools.

The trade unions are seeking a minimum of £1 an hour for employees on NJC terms and conditions to make the Living Wage rate the bottom pay rate in local government and because everyone on NJC pay is low paid for the jobs they do - the same flat rate increase on all other pay points.

The Living Wage has increased by 20p since we submitted the claim. This means in effect our claim is now £1.20 an hour on all pay points.

The NJC employers have offered 1% to the 90% of the workforce on scp 11 and above. Those on scp 5-10 have been offered slightly more than 1% to keep their pay levels just above the National Minimum Wage. There is no sign that employers will be prepared to meet the union’s demand.

Local government workers have already endured three consecutive years of pay freezes, followed by a below inflation settlement in 2013. For most of the workforce this year’s offer will be a further pay cut, leaving their pay reduced by almost 20% since the Coalition came to power.

At the same time, local government reserves have risen to over £19 billion. That means that councils have chosen to bank money, rather than reward the very people who are keeping their council services going – our members.

Our members decisively rejected the measly offer in our pay consultation and signalled that they understand the need for that rejection to be backed by a commitment to firm industrial action.

2. Is our claim affordable?

Local government and school pay is now so poor that many workers have to rely on tax credits and benefits. It makes far more sense to pay this money as wages. Extra taxes and National Insurance to the Treasury will fund over half our claim. Higher wages will lead to more local spending and boost local businesses. It will ensure a recovery that is fair and sustainable as the economy begins to grow again.

3. What stage are NJC negotiations at?

The local government employers have said that their pay offer is 'non negotiable.' They have also refused to take part in any arbitration talks through ACAS as provided for in the NJC collective agreement.

4. I don't agree with the pay offer – but why strike action?

UNISON stands ready to enter further negotiations at any point, as do the other unions. However, the employers are in a very entrenched position and only strike action – or the threat of it - is likely to move them to make an improved offer. A high turn out and a high number of 'Yes' votes in the ballot may well make them see sense and start negotiating seriously.

5. Will the strike make the employers change their mind?

We certainly hope so and would not ask members to strike if we didn't think so. We are not a posturing or strike happy union —far from it. Strike action has always been a last resort in trying to force employers to negotiate more seriously. On the rare occasions that we have gone on strike across the local government sector in the past we have made gains on previous proposals. Although there is never a guarantee of all our demands being met, demonstrating the strength of feeling about our pay is vital.

A strong turnout on July 10th will give a message about the strength of feeling over these attacks. This will strengthen our hand in negotiations with the employers and government. It puts members in a better position to defend attacks on jobs and conditions. A low turnout on July 10th could make employers and government even bolder in their attacks on the workforce in future.

6. Why is UNISON taking action on pay when we haven't on cuts?

The cuts are being implemented locally and therefore disputes have had to be local disputes — there have been local strikes and industrial action around the effect on terms of employment as the cuts directly affect employees locally.

7. What are other unions doing?

We are not alone – both UNITE and GMB are also balloting over possible action. The NUT has decided to take action on July 10th already, and this will have a major impact on schools and will support the action of UNISON members.

8. What happens after the day of action on 10 July — will there be more strikes?

This day of action is part of a programme of strike action we are planning if the employers don't improve their offer.

9. How can I help get our message out better?

The media can be very biased sometimes and do not give the full picture. UNISON and other trade unions will be doing everything in their power to ensure that the public are told the real facts. You can help by writing to your local paper, phoning your local radio station any time there is a phone-in or a money programme, or setting up a stall in your local town centre and providing leaflets or talking to people. Remember to make sure your own family and friends know that our claim is affordable and political choices can be made.

10. I can't afford to strike. Money is so tight at the moment.

UNISON understands your concerns. Council and school workers have already had to put up with a great deal and we are well aware there may be other very pressing difficulties you are being faced with right now on a local or personal level. But it's important to think about what you could gain and the money you need in retirement to support yourself.

Any pay gained through an increased offer may or may not offset what you lose in the immediate term through strike reductions. However, it will be 'paid back' quite quickly because:

- it means that the starting point for ANY future pay rise is higher than it would otherwise be
- the value of ANY future increment is higher than it would otherwise be
- the value of the pension pot accumulating is higher than it would otherwise be

The employers are relying on workers and unions being too weak and too scared to put up enough of a fight against this attack on your pay. We have to show them that they are wrong. If we aren't able to make them re-think their stance, the employers and government will continue to cut your pay and conditions and we may never be in a position to recover the ground we have lost. Falling pay also means loss of pension, which could affect you for the rest of your life.

The Branch is operating an Industrial Action Hardship Fund for members. See FAQ 33 for details.

11. I'm a frontline worker - what about the clients and pupils I work with? They are vulnerable — I can't let them down.

Of course, we understand this concern. Most people work in local government and schools because they care about the service users and pupils they work with and UNISON is committed to the best possible public services for everyone.

UNISON members provide essential services for the community. Therefore it is inevitable that any strike will cause the public inconvenience. This is unavoidable. However, UNISON in taking industrial action will always act in a responsible manner. There will be emergency cover available and the important thing is that it is the employer's responsibility to provide this cover. The employer will approach UNISON with a list of services they consider they require emergency cover for, and UNISON will agree these requests where

they are reasonable. UNISON has no desire or interest at all in putting the public at risk.

Formally, it is the employer's responsibility to explain if services are to be cancelled on strike days.

12. I am facing redundancy. Won't going on strike make it more likely I am made redundant?

Many members are in a similar position and will share your concerns. However, employees are protected from dismissal during the first 12 weeks of any lawful, balloted, official industrial action. Any dismissal for taking part in industrial action in this 12 week period, regardless of how long the employee has worked, or their age, is automatically unfair unless a tribunal decides the dismissal was not to do with the industrial action.

(Please note there are time limits for bringing a complaint to Employment Tribunal - normally 3 months less one day.)

13. Am I breaking my contract by taking strike action?

Almost all effective industrial action is a breach of your contract of employment. However, UNISON has carried out a lawful statutory ballot. The law protects workers from dismissal whilst taking part in lawful industrial action at any time within 12 weeks of the start of action and depending on the circumstances; dismissal may also be unfair if it takes place later.

14. My employer is saying that a one day strike would be seen as a break in service and that my continuity of service would be broken — is this true?

No. During a strike your continuous employment is treated as 'postponed'. This means that the period you were on strike for will not count towards your continuous employment, but it does not break the continuity of your period of employment.

15. If I strike will that make my service be more (or less) likely to be outsourced?

It is difficult to anticipate the actions of all employers and there is unfortunately a lot of outsourcing going on anyway. UNISON has members working on outsourced contracts and has recognition with most large contractors. Potential bidders for services may not find a strong staff group that is willing to stand up for their rights so appealing to bid for either!

16. I'm in my first 12 months of employment — what are my rights?

Employees are protected from dismissal during the first 12 weeks of any lawful, balloted, official industrial action. Any dismissal for taking part in industrial action in the 12 week period, regardless of how long the employee has worked, or their age, is automatically unfair unless a tribunal decides the dismissal was not to do with the industrial action.

17. What if I'm part time?

UNISON believes that any deduction of pay must be pro rata for part time staff. The deduction must be only for your contracted hours.

18. What if I'm on sick leave?

Workers who are absent on sick leave when a stoppage of work starts retain their right to statutory sick pay during the period of industrial action. If an employee reports sick on the day the action starts, the employer can be expected to make their own judgment as to whether they should be regarded as on sick leave or on strike.

For the purposes of statutory sick pay payable in the eight weeks after a period of strike action, average earnings will reflect the lower earnings during the period leading up to the illness.

19. What if I take annual leave?

UNISON does not regard anyone who takes annual leave on strike days to be participating in the strike action. If you can, we would like you to postpone your leave so that you can take part in any strike action.

20. What if I'm pregnant, in my last year of service or receiving state benefits?

It is common practice for these categories of staff to be exempted if they will suffer longer term financial loss. Speak to the branch.

21. Are my pension contributions affected if I take strike action?

If your employer docks your pay for the day of action, the employers do not have to pay pension contributions during that period and you will not have paid your portion of contribution for that day. The impact on your final pension would be extremely small but you might want to consider replacing the lost contribution.

It is possible, with your employer's agreement, to pay a sum equal to the employee and employer contribution and receive full credit for the day's absence and continue to have full cover. Any member wishing to do this must inform their employer in writing before the absence takes place.

22. Won't more pay mean more jobs and services have to go?

Keeping you pay low will not protect jobs and services. You are doing far more for far less – and working unpaid overtime. But your job is still threatened and less secure than private-sector jobs. Councils say they cut pay to save jobs, but while your pay is held down year after year, jobs still disappear and services continue to be stripped to the bone, privatised or stopped altogether.

23. The Government won't change its pay policy –will it?

The UK is the world's 7th richest economy. We can afford to pay the lowest paid in councils and schools the Living Wage and start restoring the 18% lost pay for everyone else.

The bigger agenda is that we are not all in it together. The government is controlling local government expenditure and driving down pay. The government has cut council funding more than any other sector. You have borne the brunt of these cuts. If the economy is now growing, it's only right that you have your fair share. Pressure can change Government policy. Remember the government's response to the outcry they were not protecting people from the floods? Pickles said 'we've a very rich country' and Cameron added 'money is no object.'

24. Do I have to strike?

As a member of a democratic union we would hope that you would participate in a strike if there is a vote for strike action. You cannot be forced to do so, but it is part of belonging to a democratic union in which decisions are made collectively. We recognise that taking strike action is very serious, which is why UNISON asks you and every other member to observe the strike (if called.) Every member who does not undermines our bargaining power and makes it harder for us to protect all our members.

25. Will I still have to strike if I voted 'No'?

If the majority of the people balloted vote 'yes' and a strike is called, we would hope you would join your trade union colleagues by participating fully in the industrial action, in line with UNISON's democratic decision-making process.

26. What should I do during a strike?

When UNISON calls a strike we ask that you do not go to work, but instead contact your local representative and volunteer to help out on the picket lines. This isn't dangerous and it can be fun, as everyone shows that they are serious and united in taking action.

27. What if I have external work commitments, on the day of the strike?

If your commitments are part of your normal work for your employer, you should not attend them.

28. What are the guidelines on picketing?

Picketing is a legal activity to peacefully persuade members not to go in to work. Pickets should wear an armband indicating they are on duty. Placards and posters should be displayed stating 'OFFICIAL PICKET.' The Branch will be in touch with members about picketing.

29. What is the law on picketing?

Peaceful picketing is entirely legal. Picketing should be carried out at or near an entrance or exit from a site at which the picket works. When others who

are not in dispute come into work or use these entrances or exits, pickets must not interfere with them.

30. Who can take strike action?

The strike planned for 10 July is the first phase of a programme of industrial action.

A national ballot where there are thousands of different employers, is extremely complex to organise. We have to make sure that our own internal processes are correct and always have an eye on the very stringent anti-trade union laws that are put in place precisely and solely to make things hard for unions and members. Therefore we have had to make decisions on where to concentrate in the first phase of industrial action. Some types of employers are not involved at this stage.

For the first phase we are balloting:

- Members employed by councils, including craft workers, youth and community workers, chief officers including those on HAY grades, public health and Soulbury staff. Although some members in the above groups will be covered by separate bargaining arrangements, it is clearly the case that they work for councils and will be affected by the outcome of the dispute. Their negotiations always take account of the position in the NJC.
- Members who are contractually conditioned to the National Joint Council for Local Government Services pay and conditions. This will include some staff in the Fire and Emergency Planning Services and National Parks, voluntary controlled, voluntary aided, foundation and trust schools.

31. Do I have to tell my employer if I am going on strike?

No, if the day of action is confirmed in a ballot we will officially inform your employer and they should assume that all members will be striking. It is up to them to ask for any exemptions and to provide emergency cover (see questions on exemptions and emergency cover).

Your employer might send you a formal sounding letter asking you to declare in advance whether you will be taking industrial action. You are under no obligation to inform your employer in advance as to whether you will be taking part in strike action. UNISON is legally required to give employers some statistical information about UNISON members taking industrial action but we do not give individual names.

32. Will I lose pay and if so how much?

Yes, we can expect employers to refuse to pay staff taking industrial action. The law makes it clear that employers can deduct pay when staff are on strike. However, where pay deductions are made these should at all times be reasonable.

Deductions are pro rata'd for people who work part-time or term-time.

33. Will I receive strike pay for striking on 10 July?

Strike pay will not be paid but the union will seek to help members experiencing hardship. The West Sussex Branch Committee has already agreed to support members through its Industrial Action Hardship Fund. If you earn less than £21,000 per annum full-time-equivalent salary (this is the Government's own official indicator for low pay), the Branch will support members who apply for support with a payment equal to half of their gross loss of pay. Members who are seeking our support will need to fill in a simple form and supply a copy of their July payslip, which will clearly show the pay deducted. Because the Branch pays half the loss of gross pay, the amount you receive back from the union will be nearer to two thirds of your actual net loss of pay.

34. I'm not a member yet - can I join now and still take part in the proposed action?

New members can join UNISON, and join the strike (provided that their employer is one of the employers involved in the ballot), right up to and including on the day of action. So if this is the case, the answer is very much YES you can join the strike - you just need to fill in an application form and hand it to your local rep or the Branch office.

See www.unisonwestsussex.org.uk/join

35. What should I do if I'm not involved in the ballot or any action?

If you're not taking part in the strike because you're not part of the dispute (or employees at your employer are not being balloted) you can still support your colleagues who are. Show your support by talking to friends and colleagues about the campaign, writing to your local MP and councillors and your local paper and wearing a sticker on the proposed day of action — 10 July. Ask your branch what's going on in your area!

Members unable to take industrial action can if they wish make a donation to the Branch's Hardship Fund. Contact the Branch office on 01243 777636 if you would like to do this.
