**Guidance for employees on Industrial Action**

**Industrial Action by the University and College Union (UCU)**

We received confirmation from UCU that they will be taking further [industrial action](https://www.staffnet.manchester.ac.uk/news/display/?id=28996) over two disputes in relation to pay and working conditions\* and the USS pension.

The industrial action will include 18 days of strikes and UCU have confirmed the dates as

Week 1 – Wednesday 1st February

Week 2 – Thursday 9 and Friday 10 February

Week 3 – Tuesday 14, Wednesday 15 and Thursday 16 February

Week 4 – Tuesday 21, Wednesday 22 and Thursday 23 February

Week 5 – Monday 27 and Tuesday 28 February and Wednesday 1 and Thursday 2 March

Week 6 – Thursday 16 and Friday 17 March

Week 7 – Monday 20, Tuesday 21 and Wednesday 22 March

UCU continue to take action short of a strike which commenced in November 2022.

This guidance explains what industrial action involves, how and when employees need to report taking part in action and details of any pay to be withheld as a result.

Students should review the guidance that the University has provided regarding this strike action here – [Student FAQs](https://www.manchester.ac.uk/strike-faqs/).

**1.Strike action – Strike Days:**

UCU members may choose not to carry out any of their contractual duties on any of the strike days detailed above, which in this guidance will be referred to as Strike Day/s.

**2. Action short of a strike (ASOS):**

The UCU has notified us that it will induce its members to undertake continuous action short of a strike starting on Wednesday 23 November 2022 and ending no later than Thursday 20th April 2023. UCU has informed us that in this instance ASOS will consist of its members:

* only working to contract;
* not undertaking any voluntary activities;
* not covering for absent colleagues; removing uploaded materials related to and/or not sharing materials related to, lectures or classes that will be or have been cancelled as a result of strike action;
* not rescheduling lectures or classes cancelled due to strike action.

UCU members cannot lawfully undertake any other forms of ASOS until UCU provides our University with 14 days advance written notice.

**3.Reporting Strike Days**

**Before Strike Days:**

Line managers can ask employees if they intend to take part in Strike Days prior to the action taking place to ensure that duties aren’t assigned to employees who are taking part in action. We expect employees to respond promptly and honestly to such requests, however employees taking part in industrial action do not have to confirm they intend to do so before the action takes place.

**After Strike Days:** Once the action has taken place, staff who have taken part must complete the following form:

[**Participation in Strike Action Form 1st February - 22nd March**](https://forms.office.com/e/6Ln7VbinLn)**:** This form must be completed after each period of strike action and by the following deadlines;

* **Week 1**-Wednesday 1 February: You must report this by **Monday 6th February**
* **Week 2** – Thursday 9 and Friday 10 February: You must report this by **Monday 13th February**
* **Week 3** – Tuesday 14, Wednesday 15 and Thursday 16 February: You must report this by **Monday 20th February**
* **Week 4** – Tuesday 21, Wednesday 22 and Thursday 23 February: You must report this by **Friday 24th February**
* **Week 5** – Monday 27, Tuesday 28 February, Wednesday 1 and Thursday 2 March: You must report this by **Monday 6 March**
* **Week 6 &7** – Thursday 16,Friday 17, Monday 20, Tuesday 21 and Wednesday 22 March: You must report this by **Friday 24 March**

**Failure to report:** Employees who fail to indicate whether they have taken part in strike action (or ASOS) after being asked by their line manager will be treated as not responding and it will be assumed they took part in industrial action, which will lead to pay being withheld.

**4.Withholding Pay for Strike Action on Strike Days:**

The University has decided to withhold pay at 100% of 1/365th of annual salary for each day of strike action taken on Strike Days.

We trust all employees to have informed their line manager if they have taken strike action on any of the Strike Days and submitted the relevant online strike action reporting form by the strike deadlines which will be communicated as soon as possible. For strike action taken between 1st February - 23rd February pay will be withheld in March payroll. For strike action taken between 27th February – 22nd March pay will be withheld in April payroll.

The Directorate for People and Organisational Development will not be able to respond to individual requests for details of the actual amounts of pay that will be withheld, however employees will be able to see the detail in their payslips on [My View](https://www.staffnet.manchester.ac.uk/people-and-od/current-staff/pay-conditions/myview/). Please note that where any late notifications of strike action are received, colleagues will have their corresponding pay withheld in the next available payroll. This will be shown in their payslips on [My View](https://www.staffnet.manchester.ac.uk/people-and-od/current-staff/pay-conditions/myview/)

We are discussing with our Students’ Union how any strike pay which is withheld can be used to benefit our students.

**5.Reporting Action Short of Strike (ASOS)**

Employees should complete the following form after each period of ASOS between 23 November 2022 and 20 April 2023:

[Participation in Action Short of Strike (ASOS) Form](https://forms.office.com/pages/responsepage.aspx?id=B8tSwU5hu0qBivA1z6kad0l9aaTHCWlAvHQ9dt-nFIZURThTTzRWUlg5SUpBUjlHOFozWTQyVTYzVS4u)

Deadlines for employees to report their participation in action short of a strike (ASOS) are as follows:

* 1 February 2023 for ASOS taken in January 2023
* 1 March 2023 for ASOS taken in February 2023
* 1 April 2023 for ASOS taken in March 2023
* 3 May 2023 for ASOS taken in April 2023

**6.Withholding Pay for Action Short of Strike (ASOS):**

UCU has informed us that the ASOS will consist of its members only working their contracted hours and duties and not volunteering to do more. Colleagues with Academic and Academic-related contracts, and Research and Teaching employees at our University are: “*required to undertake such hours as necessary for the proper discharge of their duties*”.

Provided that the ASOS carried out by individuals does not impact upon the “proper discharge of their duties” then this should not result in partial performance of duties and the University will not withhold pay. However, if ASOS does impact upon the *“*proper discharge of their duties”, the University reserves the right to withhold pay up to 100% at a rate of 1/365th of salary each day of ASOS. Employees should submit the [Participation in Action Short of Strike (ASOS)](https://forms.office.com/pages/responsepage.aspx?id=B8tSwU5hu0qBivA1z6kad0l9aaTHCWlAvHQ9dt-nFIZURThTTzRWUlg5SUpBUjlHOFozWTQyVTYzVS4u)  after each period of ASOS and before the deadlines detailed above.

We are discussing with our Students’ Union how any strike pay which is withheld can be used to benefit our students.

**7.Picket Lines:**

It is anticipated that there will be some picket lines at some locations on campus on each of the strike days. Picket lines are there to enable those taking part in strike action to pass on information about the reasons behind the action to employees, students and visitors to campus.

Each picket should be made up of a maximum of six people (as per the Government Code of Practice on Picketing) who are expected to pass on information in a peaceful and respectful manner. Our University will not tolerate threatening, abusive, insulting or intimidating behaviour at any picket line. Employees and students should not be prevented from gaining access to University premises in order to carry out their work or studies.

This strike action is being organised by the UCU. Any University employee who is not a member of the UCU is expected to carry out their contractual duties as normal during periods of industrial action, however if they choose not to cross a picket line and therefore participate in strike action (provided they are not a member of any other union) they are protected from dismissal and have the same rights as trade union members who have voted for strike action. However, they should declare their refusal to cross the picket line when subsequently asked by their manager.

Employees who refuse or fail to cross a picket line and who consequently cannot carry out their work will have their pay deducted at the same rate as those taking part in strike action.

If you have any questions about working during strike action, or wish to report unacceptable behaviour at a picket line, you should contact your [People & OD Partner.](https://www.staffnet.manchester.ac.uk/people-and-od/aboutpeopleod/contact-us/peopleod-partners/)

**8****.Universities Superannuation Scheme (USS) rules:**

The USS rules provide for the situation where a member is absent from work due to a lawful trade dispute with their employer. In these circumstances, where pay is withheld (in full or in part) in respect of the period of action, scheme membership can continue if contributions are maintained on full pay, ignoring any pay withheld.

On this occasion, the University has agreed to maintain its contributions in full and employees own contributions will be deducted in full so there is no break in their membership. The University reserves the right to change this position at any point.

No action is needed by employees for the continuation of membership with full contributions.

If employees do **not** wish to continue contributions in full,

* employer/employee USS contributions will **not** be made in respect of the salary withheld. Employees are asked to complete the pro-forma [Pension Opt Out Form](https://documents.manchester.ac.uk/DocuInfo.aspx?DocID=65209) (UCU23a). This form should be completed and sent to pensions@manchester.ac.uk

The University reserves its judgment on whether it would maintain its contributions in full so that there is no break in membership where ASOS does impact upon the *“*proper discharge of their duties”.

**9.Death in Service Cover and Ill Health Protection**

If members do not wish to maintain their USS membership in full for the period of strike action, the USS Pension Scheme will on this occasion maintain death in service cover and ill health protection in such circumstances. The Trustee reserves the right to review this policy and the right to charge additional contributions if the industrial action is extended or further action is proposed.

**Adèle MacKinlay
Director of People and Organisational Development**

**February 2023**