



# Industrial Action Policy

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## 1. Overview

**1.1** If an individual participates in industrial action of any form, then this constitutes a breach of contract as the employee will fail to do some or all of the work for which they receive remuneration.

**1.2** There is no obligation on an employer to pay an employee who fails to undertake some, or all of their duties and The University of Lincoln has the right to withhold pay from any employee taking part in strike action and action short of strike.

**1.3** Industrial action can take two forms:

Full strike action

participation in industrial action

Action short of strike (partial performance)

duties whilst remaining willing to perform other normal duties

**1.4** There will be fair and equal treatment of all employees in the event of strike action and action short of strike at the University of Lincoln.

## 2. Scope

All members of staff working at the University of Lincoln.

## 3. Withholding of Pay

**3.1** In the event of strike action being taken, the University will withhold 1/365th of the annual salary for each employee for each day of strike action taken. For any individuals who are on an annualised or fractional contract, their full time salary will be multiplied by their full time equivalent (FTE) and 1/365th (5 days x 52 weeks) will be calculated from that figure.

**3.2** In the case of hourly paid employees, or any employee who submits a timesheet for any hours worked, in the event that they wish to strike, no claim should be submitted for that day. Employees should not be expected to work on the proposed date.

## 4. Interaction with Leave

**4.1** Annual leave will not normally be granted during the period of time impacted by strike action.

**4.2** Where annual leave has been approved prior to strike action and an individual participates in industrial action, the annual leave will be cancelled and pay withheld in line with the above guidance.

## **5. Salary Sacrifice Arrangements**

Where a salary sacrifice deduction is being made, and the individual partakes in strike action the full salary will be taken into account when calculating the amount of pay to be withheld.

## **6. Partial Performance during Action Short of Strike**

**6.1** This occurs where employees take action short of strike which amounts to partial performance, i.e., refusing to undertake their full contractual duties. If the employee refuses to undertake duties which in the past have been undertaken this can also be industrial action if the intention is to cause disruption to the University day-to-day workings.

**6.2** duties which in the past have been undertaken

**8.1** Any employee who participates in strike action is in breach of their contract. They will be in receipt of no pay for the day(s). As a direct consequence of their own action, scheme members are not covered by their pension schemes for the period of strike. i.e. the day(s) are not part of their pensionable service and will be counted as days of absence.

**8.2** It is the responsibility of the scheme member to determine the implications of strike action and action short of strike upon the benefits of their pension scheme membership.

## 9. Summary

**9.1** If an employee participates in strike action then they must inform their employer. Contributions will be paid for days of absence on the normal basis. This will be itemised separately on the payslip.

**9.2** During this time, they are in breach of their contract and will not be covered by their pension scheme. It is imperative that the individual has separate cover for the other benefits that their pension membership entitles them to.

## 10. Interaction of Strike Action with University Pension Schemes

### 10.1 University Superannuation Scheme (USS members)

#### Overview

Contributions will be paid for days of absence on the normal basis. This will be itemised separately on the payslip.

If contributions are not paid in full for each day of industrial action then such days will be counted as days of absence.

#### Contributions

In the event that the University of Lincoln **does not** wish to pay employer contributions as normal during the period of absence, USS will need to be notified of the names of all individual members.

However, if **both** employee **and** employer **agree** to pay the contributions in full as normal during the period of absence, USS will be notified of the names of all individual members by the employee and employer. Death in service cover will not be affected as membership is continuous.

If the employee wishes to pay pension contributions for the proposed days of strike action, confirmation of this will need to be made to the University of Lincoln in writing as soon as possible in order for the correct pay adjustment to be made.

will still be deducted for each day of strike action, and the employee will be required to pay their normal contribution rate, at the rates set by USS scheme rules.

A decision which route would be taken. In contributions, but has given the employee the option to pay both employee and employer contributions providing the individuals concerned give adequate written notice of this.

### Partial Withdrawal

If the member is classed as having partially withdrawn their services for this day(s) i.e. 80%, then the member would still continue to be treated as an active member, and would therefore be eligible for death in service benefits assuming contributions are taken for the day(s). However, if the employer does not pay contributions for the day and the member has only paid for example 80% of their normal contributions, then the death service benefit would be calculated at 80% of the usual amount.

### University Responsibility

To ensure correct guidelines are issued regarding the payment of employee and employer contributions, written notification is to be obtained from individuals if employee and employer contributions, the University will notify USS to reflect the members strike action.

### Scheme Rules

Available at [www.uss.co.uk/](http://www.uss.co.uk/)

## 10

### Overview

The scheme rules are simpler with the TeachersqPensions scheme.

### Contributions

If an employee has provided information that they are to participate in strike action, a

The employee will be **out** period. Death in service cover remains in place for that day.

This scheme does not allow pension contributions to be paid during the absence. Therefore no contributions are due from either the employee or the employer.









# Industrial Action Policy

Owner	Last Reviewed
Operations	October 2021

