

## **Guidance on Industrial Action 2022**

### **1 Background**

GMB and Unite members have voted in favour of strike action in Waste (including Street Cleaning) and Recycling Services.

UNISON and the Teaching Unions are not taking action. The RCN and other health trade unions have advised the Council they are rejecting their pay offer from Scottish Government. The RCN in Scotland will ballot its members on strike action from 15/09 until 13/10.

The Council's intention is that all Council premises will open on strike days unless otherwise notified. Should it be decided to close premises, eg due to unsafe staffing levels or health and safety reasons, employees attending for work at these premises will be expected to attend at another Council work location as directed.

In terms of the 'day' of action this will cover a 24 hour period (00:00 to 23:59).

There are no blanket exemptions to exclude staff from strike action in the Waste, Street Cleaning and Recycling Services. However the following staff may not be expected to strike

- staff who have submitted a date for their retirement (ie a formal resignation letter has been received by the council)
- female employees who have notified the Council of their expected date of confinement.

Staff who are due to retire or pregnant should notify their trade union rep or Head of People to clarify their circumstances.

No existing or new agency contracts will be used to provide cover for services impacted by strike action.

Agency workers taken on before the strike days will not be removed from their employment because they do not wish to cross a picket line.

### **2 General Guidance for Employees**

#### **2.1 Employees Attending Work**

ECO and the Strategic Lead for Waste & Recycling are expected to ensure that facilities providing waste collection and recycling centres remain open where this is safe to do so, and available for employees (including agency workers) who wish to attend work on days of industrial action. A risk assessment will be required if there are any implications in keeping

premises open to deliver services, such as unsafe staffing levels/H&S issues. If this is the case it may be necessary to close premises. If premises are closed, staff due to attend work will be moved to a location where work can be carried out. Staff will not be permitted to work at home on the strike days (other than those employees already approved through the Flexible Working Policy or where a written agreement exists). If staff are not at work they will be assumed to be on strike.

## 2.2 Annual Leave

Annual leave will not be granted to employees for any of the day(s) of action except where annual leave has been pre-booked before Unions have notified the Council of the intended day(s) of action ie Wednesday 10 August.

## 2.3 Flexible Working Hours Scheme

Flexi-leave will not be granted on the day of action.

## 2.4 Sick Pay Scheme

The provisions of the Sick Pay Scheme will be suspended for staff employed in Waste and Recycling Services on the day(s) of industrial action, as there is no entitlement to sickness allowance when an employee is sick during a period of industrial action involving strike days. The facility to “self-certify” absence on these days will also not be available.

Employees already on sick leave, supported by a medical certificate, will continue to receive contractual sick pay.

## 2.5 Pay

Pay for the day of action will be deducted from any employees who participates in industrial action including non union members, or staff who are a member of another union. This will be calculated as 1/5<sup>th</sup> of a week's salary (1/260<sup>th</sup> of annual salary) in respect of each day in accordance with the Conditions of Service.

Agency Workers who are scheduled to work on a strike day and choose to strike, will not be paid. Contact will be made with their Agency to confirm work has not taken place and payment will not be made.

## 3.6 Pension

Periods of absence due to strike action are regarded as ‘non-pensionable’. This means that no pension scheme contributions are deducted from your pay for any period of time on strike and any earnings lost through industrial action will not be counted towards the calculation of your pension benefits. Employees can elect to buy back ‘lost’ pension to avoid any reduction to their pension benefits. This can be done at any time following strike action.

Payment would cover both employee and employer pension contributions. To buy back any 'lost' pension, an online calculator with an application form will be available on the Highland Council Pension Fund website [www.highlandpensionfund.org/news/](http://www.highlandpensionfund.org/news/)

### 3.7 Branch or Steward's Workplace Meetings

Any meetings called to discuss the day of action should be outwith normal working hours and, in any event, attendance at these meetings will be without pay.

### 3.8 Participation in Strike Action

The decision whether or not to strike is a matter for each individual and Senior Managers are being advised that there should be no pressure exerted on employees, who are members of the trade unions taking strike action, to attend work.

### 3.9 Picketing

It is likely that the unions will have pickets at some depots or recycling centres at or near the workplace of Unite and GMB members covered by strike action. The Department for Business, Energy and Industrial Strategy's Code of Practice recommends no more than 6 pickets along with picket supervisor on a picket line and such picketing should be peaceful. There is protection for staff who have been called out to strike by their union and covers employees on a picket line provided it complies with legislation. In the unlikely event of this not being the case, any issues should be reported immediately to the Strategic Lead for Waste and Recycling and Head of Service (People). Employees including Agency Workers who refuse to cross picket lines will be deemed to be on strike and will not be paid.