



EA Pay - Vote 'YES' to strike action

INDUSTRIAL ACTION - FREQUENTLY ASKED QUESTIONS (FAQ's) – and how we should respond to them

UNISON members in the Environment Agency are urged to vote to strike for better pay following UNISON's elected EA Sector Committee's recommendation in response to the employers' refusal to improve the 2022 / 23 pay offer.

Some members will have questions about taking part in industrial action and below are some answers to help you respond to queries you may receive in the format of some frequently asked questions (FAQ's). Please feel free to use these when responding to members.

Please ensure that you circulate this document to all your branch activists so they can feel confident in responding to queries from members.

Should I take strike action?

All eligible UNISON members are asked to participate in lawful industrial action called following a ballot of members. If you are balloted over the EA Pay campaign and the outcome of the vote is to proceed with industrial action, then UNISON members are asked to take action. There are some individual exemptions such as those in their last year of service or those on maternity or paternity leave.

ALL UNISON MEMBERS SHOULD USE THEIR VOTE IN THE BALLOT

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What should I do during a strike?

UNISON only takes strike action once every other avenue of influence and negotiation has been exhausted. The Agency have stated that they will not go back to Defra / Cabinet Office to seek an improved offer.

UNISON's elected national EA Sector Committee took the decision to progress to an industrial action ballot based on the result of a consultation of branches in August 2022. That showed an overwhelming majority of members rejected the employers' final pay offer of 2% plus £345 and were prepared to take action.

We recognise that taking strike action is very serious, which is why UNISON asks that you and every other member observes any strike action or action short of strike action. Every member who does not undermines our bargaining power - and makes it harder for us to protect all of our members.

When UNISON calls a strike, we ask that you do not go to work, but instead contact your local rep and volunteer to help out on the picket lines. This is not illegal, it isn't dangerous, and it can be fun, as everyone shows that they are serious and united in taking action for a better pay offer. Supporting action short of strike action means sticking to the parameters identified.

Do I have to tell my employer that I am taking strike action?

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.

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I have external work commitments on the day(s) of the strikes, should I cancel?

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

How late can someone join the union and still take part in strike action?

People can join the union at any point up to and including on the day of action and lawfully join the strike.

How will it affect my pension?

In some strikes (particularly short ones) employers may not withhold superannuation contributions and therefore participation in strike action has not generally affected pensions. Nonetheless it is a possibility. However, institutions that do choose to withhold contributions usually make provision for members to make up pension and Additional Voluntary Contribution deficits from their pay. The Environment Agency has done this in the past.

There should be no detriment for people taking 'action short of strike action'.

What about the impact of strike action on the public?

UNISON knows that many members don't like taking action that affects the public – especially during an emergency. However, when UNISON members have lawfully voted to take industrial action, we are generally making a case for greater investment in, or defence of, the quality of the service we provide to the public. Formally, it is the employer's responsibility to explain to the public if services are impacted on strike days. However, your branch and members may wish to talk to the public to explain why the union is taking this

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action and the impact of the squeeze in staff pay and living standards. UNISON is engaging with other unions and the media to ensure that the public are aware of the issues around the EA pay campaign.

Am I breaking my contract by taking strike action?

All effective industrial action is a breach of your contract of employment or a disruption of goodwill in undertaking voluntary tasks in the case of action short of strike action. 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 the action and, depending on the circumstances, dismissal may also be unfair if it takes place later.

How much money will I lose?

If you take part in 'action short of strike action' you may not carry out voluntary overtime. You should expect to have an equivalent day's salary deducted for every day that you take part in strike action. UNISON does provide strike pay.

What if I am part time?

UNISON believes that any deduction must be pro-rata for part time staff. The deduction must only be for your contracted hours. Members should contact a local UNISON rep if your employer attempts to deduct more than they should, as it could give rise to a claim for unlawful deductions from wages.

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 pickets work, and pickets should be clearly identified. When others who are not in dispute come into work or use these entrances or exits, pickets must not interfere with them.

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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'.

Will participating in strike action affect my entitlement to statutory maternity pay (SMP)?

UNISON normally exempts women who are pregnant from taking strike action so that it does not affect their rights to appropriate SMP or state benefits.

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