

UNISON Higher Education April 2023 Branch Guide: Getting the vote out

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1. BRANCH BRIEFING ON THE DISPUTE

What is this ballot about?

This information is about the ballot for national strike action over the employers' final offer of 5-8% for higher education staff, depending on spinal column point. This offer is for the year commencing 1 August 2023 with a portion added to annual salaries six months early and backdated to 1 February 2023. This early payment has been imposed in the March 2023 payroll in many, but not all, HEIs, with the remainder to be imposed in August 2023.

The higher education service group executive has agreed to ballot members at 14 higher education employers as an advance party, to take impactful strike action around the exams/ assessment period from the beginning of June 2023. All members being balloted are due to have their pay rises agreed through national pay bargaining for 2023-24.

A further ballot of members employed by other higher education employers will follow, to deliver a mandate for action around the start of the Autumn term.

What was the joint TU pay claim?

The joint trade union claim on pay for 2023-24 was for a flat rate, consolidated increase of £4000 or RPI plus 2%, whichever is the greater.

The pay motion carried at HE Conference 2023 called on the HE SGE to negotiate with the joint trade unions in higher education and to produce a joint claim for the following:

1. A consolidated pay award of a flat rate of £4,000, in addition to whatever employers are legally required to pay to meet the government's minimum wage.
2. Reform of the pay spine to reinstate differentials between spinal points at the lower end of the pay scale, with a view to achieving a minimum spinal column point of £15 per hour.
3. Agreement that all Higher Education Institutions (HEIs) become Foundation Living Wage employers, extended to all staff on campus.
4. Equivalent increases in London Weighting and all other allowances negotiated nationally.
5. Agreement with the HE employers to oversee the introduction of a maximum 35 hour working week in all HEIs.
6. A Scottish sub-committee of New Joint Negotiating Committee for Higher Education Staff (New JNCHES), as provided for in the New JNCHES

Framework Agreement, with the main purpose of that sub-committee to be to deal with matters not currently being dealt with at the UK-wide New JNCHES.

7. Joint employer and union action to eliminate the gender and ethnicity pay gaps, aiming for transparency and full sharing of data at both a national and local level and taking an intersectional approach to achieving pay equality for all staff.
8. A national agreement to reduce precarious employment in higher education seeking, as far as possible, for all staff to be employed on permanent contracts.
9. A national agreement to bring outsourced workers in higher education back into direct university employment.
10. A national agreement on hybrid/flexible working.

What happened during negotiations?

In November 2022 UCEA approached the joint unions and offered to open pay negotiations over 2023-24 early, so that they could potentially offer to pay part of the 2023-24 pay uplift early to help members with the sharp rise in the cost of living. The joint trades unions met with the employers and agreed to do this by expediting negotiations on pay ahead of negotiations on pay-related matters. The parties recorded this agreement in an appendix to the New JNCHES Framework Agreement on 11 January 2023 which also stated that the unions do not regard the 2022-23 round as concluded and that the unions would want any settlement of 2023-24 to take account of this. The employers agreed to consider this as part of the 2023-24 pay round.

The joint union pay negotiators met with UCEA on 9, 16 and 25 January to negotiate on 2023-24 pay. The final offer was a 5-8% uplift, depending on spinal column point as follows:

Pay Offer 2023/2024	
Spinal column points	Uplift
3 – 5	8%
6 – 14	7%
15 – 25	6%
26 – 51	5%

Of this uplift, the following portion was to be added to annual salary from 1 February 2023, ie, six months early:

Spinal Column Points	Uplift
3 – 5	3.2%
6-14	2.8%
15-25	2.4%
26-51	2.0%

What happened in the dispute process?

All five recognised trade unions rejected the offer and went into dispute with UCEA over this offer.

Prior to the first scheduled dispute meeting the joint trades unions were approached by Acas offering conciliation. Agreement was reached on conciliation via Acas rather than the normal dispute meetings, and that process took place during February 2023. As a result, UCEA changed the phasing of their offer, so that the following portion of the offer would be added to annual salaries from 1 February:

Spinal Column Points	Uplift
3 – 41	£1000
42-51	2%

UCEA made clear they could not offer anything further on pay but agreed to discuss terms of reference for negotiations over some pay-related matters in an extended Acas process provided the trades unions signed up to a statement to say that the dispute process was at an end in relation to pay and suspended strike action for a period of calm whilst the terms of reference were negotiated.

As a result, we remain in dispute with UCEA on pay for 2022-23 and 2023-24 and the dispute resolution process over pay is formally at an end., which enables us to ballot for and take strike action.

What about pay-related items?

Draft terms of reference have been drawn up for further negotiations, with the involvement of Acas, on the following:

- a review of the current pay spine
- action to address equalities pay gaps
- action to reduce the use of precarious contracts
- action to reduce excessive workloads.

These draft terms of reference have now been shared with all parties for agreement before negotiation on these matters begins.

2. BALLOT DETAILS

Ballot code

The ballot code for this strike ballot is 001436.

Which employers are members being balloted in?

The list of the higher education institutions where we are balloting members for strike action is as follows:

Birkbeck College
Kings College London
Liverpool Hope University
Liverpool John Moores University
Manchester Metro University
Queen Mary University of London
SOAS University of London
University of Bedfordshire
University Of Bristol
University of Leeds
University of Liverpool
University of Sussex
University of the West of England
University of Winchester

If your branch is included in the ballot, please do everything you can to encourage all members to use their vote.

Which groups of members are being balloted?

Only members working for the 14 employers on the list above will be sent a ballot paper. Members working for students' unions are not being balloted. Members working for wholly owned subsidiaries or private companies are not being balloted.

What do members need to do?

- Put a cross in the box
- Put the ballot paper in the envelope
- Take it to the post box and post it

Not everyone uses post boxes regularly these days. You can advise members that they can find their nearest post box [here](#).

What is our key message to members

We need your vote. It only takes a few minutes to make sure your voice is heard. Whichever way you vote, the most important thing is that you do vote.

Key ballot dates

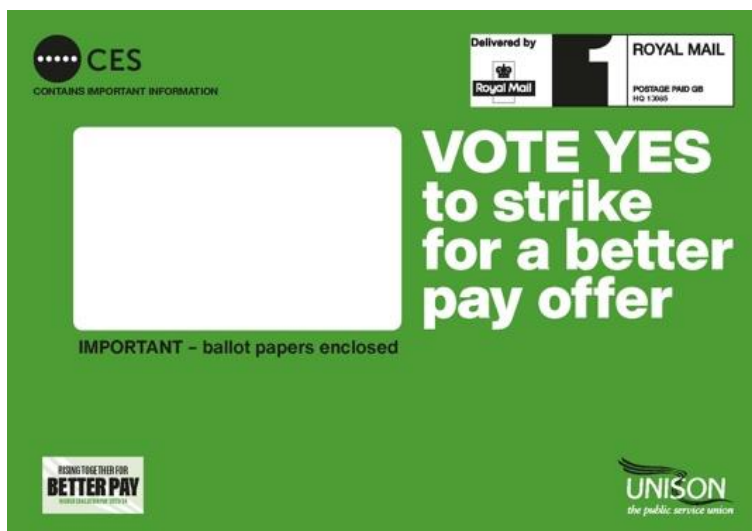
	Opens	Closes	Ballot hotline
All 14 employers	4 April 2023	9 May 2023	1 April-2 May (12 noon)

Ballot hotline

Members can call the ballot hotline on [08000857857](tel:08000857857) to request a replacement ballot paper if they haven't received one or if they have lost their paper.

How the ballots will work

Members will be sent a personalised ballot pack to their home address. The envelope will be green and clearly branded, and will look like this:



The envelope will contain:

- A ballot paper
- A letter explaining why we are asking members to vote for action
- A freepost return envelope

Members need to simply mark their vote on the ballot form, put it in the freepost return envelope and post the envelope; no stamp is needed. All forms need to be returned in good time before the ballot closes, so the sooner they are posted the better.

Ballot question

There will be only one question on the ballot paper, which will be 'Are you prepared to take part in strike action?'

New joiners

The last date for new joiners to join and be sent a ballot paper is Wednesday 26 April 2023.

3. NATIONAL BALLOT COMMUNICATIONS

Ballot website

You can find more information on our ballot hub webpage at unison.org.uk/RisingForBetterPay

You will find FAQs, an animated video, graphics to download and resources for you to order to help build a successful campaign in your branch.

You will also find a [pay calculator](#) which shows how much members' annual salaries will rise by in February and August 2023 as a result of the offer the employers are imposing.

National communication timetable

We will be sending a number of emails and text messages out centrally to remind members to vote, and providing a Movement campaign for branches to make calls, as follows:

Thu-16-Mar	Email 1	Update your details on MyUNISON
Tue-21-Mar	All national pay HE members - email	UNISON is not running another all member consultation over 23-24 pay
Tue-28-Mar	Email 2	Ballot opening next week
Tue-04-Apr	Movement text	Ballot open, look out for papers
Wed-05-Apr	Activist e-bulletin	Ballot open
Tue-11-Apr	CES email 1	Have you received your ballot paper yet? Hotline open (members who haven't voted)
Thu-13-Apr	Movement canvas text	Have you voted yet? - yes/no
Mon-17-Apr	Movement peer2peer	Have you voted yet and personalised replies
Wed-19-Apr	Activist e-bulletin	Reminder to vote
Thu-20-Apr	CES email 2	Reminder to vote (members who haven't voted)
Mon-24-Apr	Movement calls	
Tue-25-Apr	Movement calls	
Wed-26-Apr	Movement calls	
Thu-27-Apr	Movement calls	
Fri-28-Apr	Movement calls	
Tue-02-May	CES email 3	Final reminder (members who haven't voted)
Wed-03-May	Movement calls	
Thu-04-May	Movement calls	
Fri-05-May	Movement calls	

Movement and peer to peer texting campaign

UNISON is providing access to a Movement campaign so that your branch can call members systematically whilst complying with data protection requirements. This facility is provided through dedicated software which auto dials members phone numbers directly from our membership system, using the most up-to-date contact details we have for each member. Movement calls can be made through your computer using a headset.

All activists in those branches taking part in the ballot can access the Movement campaign, including retired members officers. This involves a script which is viewed

on screen and must be followed in all calls, with easy tick boxes to log the responses from the calls.

With Movement, there is no longer a requirement to complete the UNISON online data protection training module to take part. Branches should submit a list of activists who would like to take part in this Movement and peer to peer texting campaign to their regional organiser by 9am Tuesday 11 April.

A short training/ briefing webinar session will be organised on MS Teams before the campaign starts, and branches can also access help and support with use of Movement from the region.

The dates for the text messages, peer to peer texting and Movement calls for this campaign are as follows:

4 April	Ballot opens
4 April	Launch text (ballot is open)
7 April	Bank holiday
10 April	Bank holiday
11 April	Ballot hotline opens
11 April	Canvas text (have you voted yet?)
17 April	Peer 2 peer text and responses (have you voted yet?)
19 April	Phone banking opens
1 May	Bank holiday
2 May	Ballot hotline closes
2 May	Phone banking closes
8 May	Bank holiday
9 May	Ballot closes

Launch text

The following text will be sent on 4 April to coincide with the ballot opening.

'The HE strike ballot has launched. Postal ballots will be arriving in the next few days. We must receive it back by 9 May to be counted.'

Peer2peer texting

A peer2peer texting session will be run on 17 April. The following copy will be included in the text.

'Hi, it's Ruth from UNISON. Just checking if you've voted in the HE strike ballot on pay yet? Can you let me know please?'

Ballot materials

- A supply of stickers, leaflets and posters is being sent directly to the branches involved in the ballot.
- Further supplies of leaflets and posters will be available to order on the UNISON Shop from 29 March.
- A PowerPoint presentation for members' meetings is available on the web page.
- Selfie boards are available on the UNISON Shop.
- Social media, website or email graphics can be downloaded from the 'resources for branches' section at the bottom of the web page.
- A short, animated video which can be shared on social media or by email is also downloadable from the 'resources for branches' section at the bottom of the web page.
- The ten-point action plan to help us get out the vote is available below.

4. ACTION PLANNING TO GET OUT THE VOTE

10-point action plan to get out the vote

It is vital that we get the highest possible turnout in this ballot. We are balloting in a small number of branches to win, as a show of strength.

Please find below a 10-point action plan. We hope that this will help you with the smooth running of your local campaign, so that you are able to engage with as many members as possible and maximise your branch turnout.

1. Keep membership records up-to-date. This is vital in case any members need a replacement ballot paper. Members can update their details themselves online at [MyUNISON](#) or the branch can update them on WARMS.
2. Order and download campaign posters, leaflets and stickers from the UNISON online catalogue and ask any activists working on campus to put them up, so that

colleagues who are at work will be aware of the ballot.

3. Badge your social media accounts with campaign branding. Use the Twitter and Facebook versions to brand your social media accounts throughout the ballot period, and share the posts provided at regular intervals.
4. Use the hashtag **#RisingforBetterPay** on everything you post so we can be visible together in a nationwide campaign.
5. Ask all your branch activists to talk to a list of specific members about pay.
6. Get together to do some sessions on Movement, starting with the peer-to-peer texting session from 17 April. Once you are making calls the system will enable you to gradually work through all your members and will automatically go back to those you couldn't get through to later.
7. Hold regular meetings for members, and online meetings as well. You can use the UNISON PowerPoint presentation which is on the 'resources for branches' section at the bottom of the web page.
8. Think about holding rallies with local speakers, or online rallies with national speakers, to explore the issues behind the campaign.
9. Check the frequently asked questions below and share them with activists and members. If you have another question, please email it to us on education@unison.co.uk.
10. Recruit! Anyone who joins by Wednesday 26 April will be sent a ballot paper automatically. Let them know they can join online or by calling **0800 0 857 857**.

Activist training modules

The following training modules are available to be run in branch for activists preparing to get out the vote:

- Building successful ballots
- Quick conversations about HE pay ballots

To request a workshop for your branch please contact your Regional Education Officer.

Branch webinars

We will be holding two webinars to help branches with their campaigns to get out the vote, as follows:

- [HE pay campaign 'get out the vote' webinar - Monday 3 April 2023 at 12:30](#)
- [HE pay Movement campaign briefing – Thursday 6 April 2023 at 12:30](#)

Registration links for these two will be circulated shortly.

5. FREQUENTLY ASKED QUESTIONS

What is industrial action?

Industrial action can be strike action (which is any concerted stoppage of work) or action short of strike action such as 'go-slows' or 'working to rule'.

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Is it against the law to strike?

Although there is no positive legal right to strike in the UK, strike action organised by a trade union is legal provided some tough conditions are met.

For example:

- The union must have conducted a lawful ballot of all of the members it believes will be called upon to take part.
- The action must be over a trade dispute between workers and their employer over an issue like terms or conditions of employment and as defined in s.244 of the Trade Union and Labour Relations (Consolidation) Act 1992.
- The general secretary, or someone else authorised by the union's rules, must authorise any industrial action.
- The person named on the ballot paper must issue a call for action before industrial action can take place.
- There are very strict rules about the ballot and the notice that must be given to the employer about the action.

At what point do we go on strike?

Industrial action is a last resort. UNISON always tries to negotiate and bargain for its members before pursuing industrial action.

What are picket lines, and how should we organise them?

A picket line is a group of striking workers located at or near their place of work who meet at the workplace to increase awareness and support for their cause. Picketing members may tell other workers about the dispute between them and their employer.

During a picket line striking members are allowed to persuade workers, including agency workers and delivery people, to stop interacting with the business. This must be done peacefully, as criminal law applies to picket lines.

Striking members mustn't use threatening behaviour or force to prevent others from attending work, cause criminal damage, or prevent police officers from carrying out their duties.

The maximum appropriate number of striking members on a picket line, according to the relevant code of practice, is 6. However, this is not enforceable in law.

The police in Great Britain can use special powers, such as obtaining an order prohibiting the picket, if the picket contains more than 20 people and they believe it may result in serious disruption to the life of the community.

Can I be dismissed for taking part in industrial action?

It is automatically unfair to dismiss someone who has taken part in any lawful industrial action within 12 weeks of the first day of action.

Can an employer deduct money from your wages for taking part in industrial action?

Yes. An employer can deduct up to one fifth of weekly pay for a day of strike action.

What is this HE Pay ballot about?

This ballot is for national strike action over the employers' final offer of 5-8% for higher education staff, depending on spinal column point. This offer is for the year commencing 1 August 2023 with a portion added to annual salaries six months early and backdated to 1 February 2023. This early payment has been imposed in the March 2023 payroll in many, but not all, HEIs, with the remainder to be imposed in August 2023.

The higher education service group executive has agreed to ballot members at 14 higher education employers as an advance party, to take impactful strike action around the exams/ assessment period from the beginning of June 2023. All members being balloted are due to have their pay rises agreed through national pay bargaining for 2023-24.

A further ballot of members employed by other higher education employers will follow, to deliver a mandate for action around the start of the Autumn term.

Who makes the decisions regarding industrial action?

UNISON is a member-led union and decisions are made by members. In any vote on whether or not to take industrial action, each member receives a postal ballot, which they are asked to complete and return within a designated period.

If more than 50% of the members at your university did vote, and if a majority of those who returned their ballot papers voted in favour of action, your union can call members out on strike. The branch committee will decide how many days that should be for and when, in consultation with members, and their proposals will be referred to regional and national level for authorisation. The elected members of the Industrial Action Committee will make the final decision.

When are the next strike days?

Days of strike action will be scheduled after the ballot has closed, from 1 June onwards.

Will strike pay be available for any days I am on strike?

Yes. UNISON has agreed to pay members taking strike action £50 per day in strike pay (or full take home pay if this is less) from day one of any properly authorised strike action. Your local branch will administer this by passing on the names of members and details of the amount of money that has been deducted by your employer to UNISON. It will take a few weeks for the money to be paid. If you take strike action your employer is entitled to deduct up to 1/5th of your weekly pay or equivalent, and if it is less than £50 this is the amount that would be paid to you as strike pay.

What do I have to do to get strike pay?

You will need to show proof that you were on strike (contact your branch to find out what they require) and a copy of your wage slip to show what deduction was taken from your pay.

Is there any other financial help available?

If your employer deducts more than £50 from your pay for a day of strike action and this causes you financial difficulty you may be able to apply to your branch's Hardship Fund if they have one. Contact your local branch to find out whether they have one and how to apply.

I'm on benefits and they will be affected if I take strike action. Is there anything I can do about that?

Talk to your branch to explain how you will be affected. You may be granted an exemption from taking strike action if you will lose benefits by doing so.

Am I breaking my contract by taking strike action?

All industrial action is a breach of your contract of employment. Because UNISON is carrying out a statutory ballot and any action will be formally called in accordance with legislation, the law protects workers automatically from dismissal while 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. As far as we are aware, this kind of dismissal has never happened in higher education.

Does taking strike action break my continuous service?

No. The period of time that you are on strike does not count towards your continuous service, but it does not break it either.

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

It is often the case that management will send out emails/letters demanding that you declare in advance whether you will be taking industrial action. This is intended to minimise the effect of the action and can have the effect of misleading and intimidating members. You are under **no obligation** to inform your employer / manager in advance as to whether you will be taking part in strike action. UNISON will have provided your employer with all the information about the action required by law. Once you are back at work following the strike action, you should respond truthfully to any query from your employer as to whether you have taken or are taking industrial action. You should not, however, respond to any such query while you are on strike.

What if I am working from home on the day of the strike?

Going on strike means you do not undertake any work on a specific day, and that includes those members that are working from home.

I am already booked to be on annual leave during the strike dates; what should I do?

Where strike action begins during a period in which an employee is on annual leave, then in the absence of evidence to the contrary, he or she should be deemed to be on leave and not on strike. If your annual leave is essential, you should take it as planned. If your leave is not essential, you may wish to move it so that you can participate in industrial action alongside your colleagues.

What if I am sick during the strike?

Employees who are absent due to sickness before industrial action starts should be assumed to be on sick leave, providing that any necessary certification is produced. If the employee reports as sick on the day the action starts, the university will need to make its own judgment, taking into account any evidence that the employee can provide, whether they should be regarded as on sick leave or on strike.

I am not a UNISON member; can I take part in industrial action?

We would like everyone to respect the picket lines and not go into work. Non-union members who take part in legal, official industrial action have the same rights as UNISON members not to be dismissed as a result of taking action. However, our strong recommendation is that you [join](#) UNISON so that you have the protection of a trade union before you take part in industrial action. If you have provided the details requested on the UNISON member application form, your membership will be active from the date of application. This means that you are able to take part in any strike action while awaiting your membership number.

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

Individuals can join UNISON at any point up to and including on the picket line on the day of action and lawfully participate in the strike.

If we take industrial action, what am I expected to do?

Your union only organises strike action when every other avenue has been exhausted and when the democratic decision-making bodies of the union believe there is no other way to make employers change their position. It is a very serious sanction and that is why we ask that every member observes the strike. Every member who does not observe the strike is directly undermining the union's bargaining power and making it harder for the union to protect all of its members.

Every member who does strike is helping to advance the interests of all staff throughout the HE sector. When a strike takes place, we ask members not to do any work for all of the days specified by the union. This includes, for instance, time before 9am and after 5pm. It also means not doing any preparation for work that you are due to do when you return to work after you strike.

On strike days, the best possible thing you can do is contact your UNISON branch and volunteer to help at the picket lines - and ask colleagues in your department to join you. Picketing is a vital activity intended to demonstrate to the employer the scale of the disruption that the union is able to cause and get support for your action from students, other colleagues and the public.

Some branches also organise a rally at some point during the day, or perhaps a march. Find out whether there is a rota to sign up to, or whether someone will meet you at the picket line to show you what to do. Remember, if you are on strike, you must not go into any buildings or onto any land owned by your employer, so you won't be able to use any of the facilities.

I am a member of UNISON through BAOT/ RCOT. Can I take strike action?

BAOT members were not included in the ballots in December/ January, so cannot join in the strike action in the three HEIs which obtained a mandate in January 2023.

Do I have to take strike action if I am pregnant?

No, if you are pregnant and have notified your employer of the expected date of birth you are exempted from strike action.

I have other questions that have not been covered by these FAQs; what should I do?

Visit UNISON's web page on industrial action here: <https://www.unison.org.uk/get-help/knowledge/disputes-grievances/industrial-action/> If you are unable to find the answer to your question please contact your local UNISON branch and they will be able to advise you on a range of issues.

UCU/ Unite/ EIS/ GMB are going on strike and UNISON does not have a mandate for strike action at my employer. What advice does UNISON give to members when other unions call a strike at their workplace, but UNISON does not?

UNISON respects the rights of other trade unions to take industrial action and supports the other trade union's action. We urge members to support legal protests and rallies organised by other trade unions that take place outside your contracted hours of work.

However, if UNISON members have not been balloted for strike action or if they were but we did not achieve a mandate for strike action members are advised to continue with their normal duties and responsibilities. Nonetheless, UNISON members should not take on any additional responsibilities given to them directly as a result of a striking colleague's industrial action.

Staff should not be moved from the duties they would normally have carried out in order to cover duties normally covered by a striking colleague as this would frustrate the industrial action. Members who are under pressure to cover should contact their UNISON rep, branch or region for further advice and support.

Members are reminded that due to the current legislation only those employees who have been involved in a legal ballot where we met the 50% turnout threshold with a majority yes vote are allowed to take industrial action.

I have a disability. How will the picket lines be made accessible for me?

Contact your branch and explain your access needs. They will discuss with you what can be done to make the picket lines and other action accessible for you.

Will taking industrial action affect my pension?

Absence on strike for a day or more will not count as pensionable service. This means you will not make a contribution towards your pension for the time you are on strike.

In some strikes, particularly short ones, employers may not withhold superannuation contributions, so taking strike action has not generally affected pensions, though it is possible that it could.

If your employer decides to deduct 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.

It is possible that members of the Universities Superannuation Scheme (USS) are not covered by the death benefit provisions under that scheme on any days on which they take strike action.

Questions about taking strike action due to a trade dispute for members of the LGPS. You will also need to check any additional information from your employer.

How will strike action affect my pension benefits?

You do not earn pension for the days you are on strike. Absence from work for strike action for one or more complete day means that those days *do not count* in any way for pension purposes.

How can I reinstate the pension I have lost due to strike action?

You can elect to purchase the amount of pension lost by paying Additional Pension Contributions (APC's). The cost of purchasing the amount of lost pension for the period of absence would be fully met by you; your employer does not make a contribution to the APC. To pay APCs the member must have at least one year to go before retirement.

If you have membership of the LGPS before 1 April 2014 you will have built up benefits in the final salary scheme. If you choose to pay for the lost pension in the

scheme the amount you pay will go towards covering the protections associated with the pre-1 April 2014 membership.

What effect will a strike absence have on my pension benefits if I don't make up the shortfall?

The amount of pension you lose is calculated as the appropriate fraction of your assumed pensionable pay for that period of absence (ie, 1/49th of your assumed pensionable pay for that day if you were in the main section of the scheme or 1/98th if you were in the 50/50 section).

Will UNISON exempt members from strike action with less than one year before retirement?

Previously UNISON has exempted members in the last year of service from strike action because of the possible effect of reduced final pay on final salary benefits earned up to April 2014 in England and Wales and April 2015 in Scotland and Northern Ireland. In practice, as one of the two immediately preceding years' salary can be used for final salary purposes, there is likely to be minimal effect for just a few days of absence on strike.

If you require any further information or clarification, please contact your LGPS pension scheme directly.

April 2023