

UNISON Environment Agency Industrial Action

Frequently Asked Questions

Quick links to specific sections:

- [Taking industrial action \(working to rule and withdrawal of goodwill\)](#)
- [Taking industrial action \(withdrawal from incident response rosters\)](#)
- [Taking industrial action \(strike action\)](#)
- [Strike pay and other financial support](#)
- [Additional info on taking strike action and effects on pensions](#)

What is industrial action?

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

What are the dates and times of the next action?

The next planned period of action, outside of the ongoing 'work to rule' action, is the action short of strike (ASOS) for UNISON EA members – in the form of a withdrawal from voluntary out-of-hours incident response rosters – will begin on Monday 23 October and conclude at 06:59 on Friday 3 November. For more on withdrawing from voluntary incident response rosters, refer to the [Withdrawal From Voluntary Incident Response Rosters](#) section on page three of this FAQ.

Immediately after this ASOS action concludes at 06:59 on Friday 3 November, a period of full strike action will begin for UNISON members – starting at 07:00 on Friday 3 November and concluding at 19:00 on Monday 6 November. For more on strike action, refer to the [Taking Strike Action](#) section on page four of this FAQ, and contact your branch for details of pickets and other gatherings.

Once the period of full strike action has concluded at 19:00 on Monday 6 November, a second period of action short of strike (ASOS) – in the form of a [withdrawal from voluntary out-of-hours incident response rosters](#) – will begin at 19:01 on Monday 6 November, and conclude at 23:59 on Friday 10 November.

To see a table of the full timetable of planned UNISON EA industrial action, including who can take part and when, as well as eligibility for strike pay, [please click here](#).

Action Short of Strike (ASOS) – working to rule, withdrawal of good will, and set times for withdrawal from voluntary incident response rosters

This kind of industrial action involves working to rule, the withdrawal of goodwill, and withdrawing from voluntary (i.e., non-contractual) incident response rosters at set times.

Working to rule and the withdrawal of goodwill

‘Working to rule’ means working to the terms of your contract and the aspects of the description of your role that determine what your contracted responsibilities are and declining to undertake tasks or sign up for shifts that fall outside of this.

Undertaken collectively, this form of action can be extremely effective as it demonstrates to the employer the extent of work activities, responsibilities, and durations of working time that EA workers regularly undertake that are outside of contractual obligations. In this way it shows how much the employer relies on the goodwill of its staff to keep up its operations.

In practice, this means:

- Working only your contracted hours

Do not work extra hours that are unpaid, make sure to take the full time for all scheduled breaks and take all appropriate breaks and rest period in between shifts.

If you are working at an external meeting or working on a site and the time of your stay may go beyond your contracted hours, do not feel pressured to have to work more than these hours – give a firm but polite reason to leave early (which is to say no more than your normal hours), and say that you are doing so to support your union’s industrial action as part of the ongoing dispute around unfair pay.

- Only undertaking your contracted duties and responsibilities

Refuse to take on additional duties or aspects of work that are not being completed by other members of staff who are not in their role on a temporary or permanent basis.

- Disconnect, or switch off, work devices outside of contracted working hours of while on rest breaks.

If you have a work electronic device such as a computer, laptop, tablet etc., if you are not working on a contracted shift or similar, or are on a rest break, disconnect the device so you are not working during time when you are entitled not to be.

Withdrawal from voluntary incident response rosters

If you are taking part in action short of strike (ASOS) following a call for action, please note that specific dates for this will be announced prior to the commencement of the action. The current set of dates and times are included in the next question in this FAQ.

If you are already rostered for a shift during this time and wish to withdraw as part of the action, simply contact the manager responsible for the out-of-hours roster you are on, stating:

- *That you are no longer available for the [insert date] shift.*
- *or that you will only be available up to / from midnight to [insert date] shift.*

It is recommended that you also ask for confirmation that your message has been received.

You do not have to state that you are doing so as part of taking industrial action and managers should not be asking this question. If this becomes an issue, please let your branch know, and the matter can be escalated as required.

Members should continue to undertake incident response roles as normal outside of these periods.

Additional info on IR duty/roster:

Some colleagues are contractually obliged to participate on Standby Rosters. This includes colleagues in Field Teams – but prior to November 2022 most employees on staff grades did not have a contractual obligation to participate in Incident Response rosters.

Since November 2022 all new contracts have been issued with new terms and conditions of employment that sets out the contractual requirement for new starters only to participate in Incident Response Rosters. This was contested by the trade unions and was not applied to existing Agency staff.

All new staff have this new clause (about 3 pages in length) as part of their terms and conditions upon joining the Agency.

This 3-page clause will not be in your contract of employment if you commenced employment with the EA prior to November 2022, even if you have subsequently changed jobs internally.

Do I need to tell my line manager I am taking part in action short of strike?

You do not need to notify your line manager that you are participating in this action short of strike action (ASOS) – you can simply say that you are now unavailable for the shift(s) you were rostered for if they fall within this period.

If I am withdrawing from a voluntary, out-of-hours standby role I am currently rostered for, do I undertake this role during normal working hours?

If members taking part in the ASOS are rostered to do a standby role during this next period of action, then the understanding is that they will still undertake that role **during their normal working day** (provided they are trained and competent to undertake the work). Any standby role that is outside of normal working hours and voluntary is what can be withdrawn from as part of this action.

If I take part in action short of strike (ASOS) and withdraw from my incident response roster, does this include 9-5?

Planned industrial action includes the withdrawal from voluntary out-of-hours incident rosters at given times on specific days. EA members who are currently rostered during periods of industrial action must still fulfil their incident response role, as rostered, during office hours (between 9-5), unless their duty role doesn't normally require this.

If I normally carry out an incident role during the day (9-5) such as EMDO or ABC (as part of Tactical First Response) can I withdraw from these as part of taking action as part of action short of strike (ASOS)?

As this is action short of a strike, members taking part should nonetheless continue these duties if they are part of your normal business role during normal business hours (9-5).

Taking Strike Action

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 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 make 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, including Action Short of Strike and Strike Action itself, is a last resort. UNISON always tries to negotiate and bargain for its members before pursuing industrial action.

Will we need to return to work if there is a flooding emergency? How will this be communicated?

UNISON and other unions have clear plans in place agreed with the Agency to cover incidents that affect life, limb, and property.

Regular engagement is taking place to monitor current flood incidents. If there is the need to call off industrial action members will be notified, by the Agency and the union.

You should check emails and phones before you finish your shift prior to the start of the period of strike action.

What do I do on a strike day?

On a strike day you should not participate in **ANY** work activity.

This means not attending your workplace, attending any work meetings, taking calls, attending incidents, or undertaking any training.

You should offer to take part in picket line duty if you are able to do so. You may want to attend any online or local rallies taking place on a strike day.

Part of my working hours on strike day falls either before or after the notified strike times. Am I obliged to work either the hours before or the hours afterwards?

Yes, you are required to work any hours of your shift on a strike day that falls either before or after the notified strike times. If you don't work those hours, it would be treated as unofficial industrial action.

If an individual wishes to discuss alternative options for how those worked hours will be treated (for example, such as agreeing time off in lieu of the time rather than received salary), this will need to be agreed with their line manager prior to strike action.

This means that you should contact your Line Manager this afternoon and advise them that you will be taking part in strike action tomorrow and would like to agree with them that you will carry out the additional hour's duties at another time and agree when this will be fulfilled. i.e., for example, an extra 10 mins for 6 days or 30 mins over 2 days.

Can I be dismissed for taking part in industrial action?

It is automatically unfair to dismiss someone who's taken part in any lawful industrial action within 12 weeks.

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

Yes, the employer can make a deduction from your wages equivalent to the period of the strike action taken.

Managers are responsible for informing payroll of the need for deductions due to strike action and should do so as soon as possible after being informed that you have participated in the action. The timings of when they inform payroll will affect which payslip strike deductions are made on.

Are there any exemptions for UNISON members in respect of the strike?

UNISON members who are pregnant or who are due to retire in the next 12 months should notify their local UNISON branch so that they can be exempted from taking strike action.

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 from dismissal while taking part in lawful industrial action or 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 the Agency or other sectors where UNISON has taken action.

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

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.

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 minimize the effect of the action and can have the effect of misleading and intimidating members.

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.

The EA and TUs are working on guidance to managers and staff on how this should be captured on SOP.

If part of my working day on the day of the strike action falls outside of the 8am-5pm period, either before 8am or after 5pm, do I have to work this additional time?

We are in the process of agreeing how this is managed with the agency. This section will be updated in due course.

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. You should not use your work provided laptop or attend any work-related online meetings / telephone conferences. You use the strike day as you would any other day where you are not paid by the Agency.

UNISON has produced guidance and materials on ideas for 'striking from home' – check the regular campaign email bulletins for more on this.

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 on account of 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 Agency will need to make its own judgment, considering any evidence that the employee can provide, whether he or she should be regarded as on sick leave or on strike.

What is this EA Pay dispute about?

The Cabinet Office Pay remit for 2022/23 has been used to facilitate pay negotiations with the Environment Agency and the recognised trade unions.

Most EA staff are covered by this remit. If you are unsure, then please contact your HR Department for clarification.

The 'full and final offer' from the Agency was 2% +£345 on all pay points. UNISON consulted its members across the country and the response was an 87% rejection vote.

As a result of this vote to reject, UNISON asked its members to vote on industrial action. The law requires a 50% turnout and a majority vote in favour of action for a strike to take place. We got achieved a turnout of 59% and a mandate if 73% for strike action and 92% for action short of strike.

Who makes the decisions regarding industrial action?

UNISON is a member-led union where decisions are made by members. In any vote on whether to take industrial action, each member receives a postal ballot, which they are asked to complete and return within a designated period.

The Environment Agency Sector Committee determines the format of any industrial action. This includes action short of strike action and strike action.

As more than 50% of the members at the Agency voted to take industrial action and a majority of them voted in favour of action, your UNISON Environment Agency Sector Committee will decide how many days that should be for and when, in consultation with branches.

How much has my pay fallen in real terms?

You can work out how much more your salary would have been worth if you had received pay increases to match inflation and the overall hourly rate increase by using [UNISON's pay loss calculator](#).

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

We would like **everyone** who is a UNISON member to respect the picket lines and not go into work. Environment Agency colleagues that are **NOT** union members **CAN** take part in legal, official industrial action and have the same rights as UNISON members not to be dismissed as a result of taking action.

However, our strong recommendation is that if you are not in a union, you should 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 can take part in any strike action while awaiting your membership number.

Improving the pay offer benefits everyone – but we need to ensure that the Agency is clear about the strength of feeling on the issue.

Members of other trade unions, i.e., Prospect, GMB and Unite are prevented from participating in this action due to the laws on taking strike action.

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 once 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 its members.

Every member who does strike is helping to advance the interests of all staff throughout the Agency. When a strike takes place, we ask members not to do any work for all 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.

Should I include any specific text in my email out-of-office message?

You may wish to set your **out of office** message to indicate that you are not in work so that colleagues will be clear when you will be returning. An example of some text that can be used for this is as follows:

I am not available today as I am participating in a day of strike action in support of our trade union pay claim.

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 to demonstrate to the employer the scale of the disruption that the union can cause and get support for your action other colleagues, and the public.

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

A picket line is when members meet at the workplace to increase awareness and support for their cause. Picketing members may also tell other workers about the problem in the workplace.

During a picket line you 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 still applies to picket lines.

You aren't allowed to 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 number allowed on a picket line, according to the relevant code of practice, is 6. However, colleagues can gather in areas close to buildings in a lawful manner to show solidarity. Picket Coordinators will be in place on the day and will be able to offer advice on where to stand.

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.

If I am already rostered for a voluntary out-of-hours overtime shift and wish to withdraw as part of the action, what email wording do I use?

You should indicate in the normal way that you are unavailable for the out-of-hours overtime rosters for the period of the action. If, however you are already rostered for a shift during this time and wish to withdraw as part of the action, simply contact the manager responsible for the Out of Hours roster you are on stating:

- *That you are no longer available for the [insert date] shift.*
- *or that you will only be available up to / from midnight to [insert date] shift.*

You do not have to state that you are doing so as part of taking industrial action and managers should not be asking this question. If this becomes an issue, please let your branch know, and the matter can be escalated as required.

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, UNISON members have not been balloted for strike action or action short of strike action and are therefore advised to continue with their normal duties and responsibilities. Nonetheless, UNISON members should not take on any additional responsibilities being given to them directly because of a striking colleague's industrial action.

Staff should not be moved from the duties they would normally have carried out to cover duties normally covered by a striking colleague and 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 legislation only those employees who have been involved in a legal ballot are allowed to take industrial action.

I have other questions that have not been covered by this FAQs

There are several other ways that members can obtain information:

- Visit UNISON's [web page on industrial action](#)
- Visit UNISON's [Environment Agency Pay Campaign webpage](#)
- Sign up for the next EA Pay Campaign webinar – listings for the next webinars and links to register are posted on the [Campaign webpage](#) under 'Where can I find out more?'
- Contact your branch. If you do not know the contact details for your branch's lead officers, use [UNISON's Branch Finder](#) to email them.

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.

Strike pay and other financial support

Approximately how much pay would I forgo when taking strike action, and how much could I gain from an improved pay offer?

UNISON has produced a set of figures which illustrate the approximate financial implications for EA members taking strike action in terms of deducted wages, alongside the possible gains of an improved pay offer. These figures can be downloaded from the [UNISON website here](#).

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

UNISON members taking legal strike action are eligible to claim up to £50 for each day of strike action they take, beginning on the first day of strike action.

As well as this, Environment Agency members who withdraw from voluntary out-of-hours incident response rosters as part of official industrial action short of a strike are also eligible to claim strike pay, up a maximum of £50 per day.

In all cases, members must provide evidence that earnings have been lost as a direct result of taking industrial action, either from taking full strike action or withdrawing from a previously rostered out-of-hours incident response rosters.

How to I make a claim for strike pay?

Strike pay and financial hardship claims must be submitted to your branch.

Contact your branch in the first instance to request the appropriate claim form and information on what supporting documentation to provide to support any claim. If you do not have the contact details of your Branch Secretary, Treasurer, or Welfare Officer, use [UNISON's Branch Finder and contact form](#) to email them.

What other support is available to members taking industrial action?

If members experience financial hardship by taking strike action, then branches have the discretion to make additional payments, informally known as hardship payments.

Hardship payments, which are separate to strike pay, are for intended for when members' financial loss, directly resulting from their taking industrial action, has severely affected their ability to provide for essentials such as food, heat, travel or medication for them or their family.

As with strike pay, applications for hardship payments must be made to branches. These payments are made at the discretion of branches, are assessed on an individual basis and should be made within two months of the action.

What financial support is available for members taking part in ASOS by withdrawing from incident response rosters?

Members can submit claims for strike pay, up to a maximum of £50 per day, if they can prove they were previously on a voluntary incident response roster during the period of the action and have subsequently withdrawn from it. To do so, make sure first of all to obtain proof of your withdrawal from the roster, and then contact your branch.

If I decide to claim strike pay or hardship payments, do I pay tax on it?

Strike pay is a payment made by your union to you, as a member taking strike action. HMRC guidance states this is not therefore income from your job and is not taxable – [click here for more on this](#).

I currently receive 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.

Questions about taking strike action due to a trade dispute for members of the LGPS. (You will also need to check 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 days *does 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 contribute to the APC. To pay APCs the member must have at least one year to go before retirement. An online calculator that can help to provide some indication of this can be found here: <https://www.lgpsmember.org/help-and-support/tools-and-calculators/buy-lost-pension-calculator/>

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 (i.e., 1/49th of your assumed pensionable pay 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, if there are just a few days of absence due to the strike, the effect of this on pension benefits is likely to be minimal. If the reduction in final year salary is significant enough to take it below the salary in either of the two preceding years, then one of those years can be used for final salary purposes."

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

I received a letter from UNISON that the 12-week action for protection from unfair dismissal for taking part in action ended on 5 March 2023. What does this mean?

Under employment legislation, even where a trade union conducts a successful industrial action ballot members taking industrial action are only protected from unfair dismissal for up to 12 weeks after the first action date. Under this legislation unions must let members know when that protection is coming to an end.

The EA ballot that you took part in October 2022, protected you up to, and including, 5 March 2023.

The union has formally notified members and branches that by continuing the action beyond 12 weeks there is no automatic guarantee that you would win an employment tribunal claim if your employer dismissed you for taking industrial action beyond the 12-week period.

In practice – there are current disputes taking place where protections have expired for union members. This has not resulted in unfair dismissals from their employer.

Legally, if your employer wanted to dismiss you, they would have to dismiss all of you together.