**Employee FAQS**

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|  | **Question** | **Answer** |
| **General** | | | |
| 1. | What is the date and timing of the Industrial Action? | TBC |
| 2. | What form will the Industrial Action take? | TBC |
| 3. | Will there be picket lines in place? | Yes, it is anticipated that there will be picket lines at the entrances to various NHS Lanarkshire sites. |
| 4. | What is the ‘code of conduct’ for those picketing? | It is lawful to picket, but the law imposes some limits.  Picketing by trade union members may only take place at, or near their own place of work. Pickets are allowed to peacefully persuade workers and others (e.g. suppliers) not to cross the picket line but anyone who decides to do so must be allowed to.  The number of pickets should generally be no more than 6 at any entrance or exit. |
| 5. | Can I cross a picket line? | Yes. Pickets cannot force colleagues to stop and listen, staff wishing to enter the premises must be allowed to do so. Staff are entitled to cross a picket line. |
| 6. | If I refuse to cross a picket line, whether a trade union member or not, could I be disciplined by the NHS Lanarkshire? | Disciplinary action will not be taken against employees because they have refused to cross a picket line, but they should be considered to be taking industrial action and the appropriate pay deducted. |
| 7. | If I am a non-union member can I go on strike? | Non-union members can go on strike as long as the industrial action is lawful and have the same rights as union members. You will not be paid but can participate. |
| 8. | Will I be in breach of my professional/regulatory code of conduct if I go on strike? | You have the right to participate in official strike action and will not be in breach of your code of conduct for doing so. You are however expected to maintain the standard of behaviour expected as per your code of conduct. |
| 9. | Can I be dismissed for participating in official strike action? | If you take part in official strike action you are legally protected. |
| 10. | Can I work elsewhere during strike action? | You cannot undertake any other work during the hours you are scheduled to work for NHSL. |
| 11. | Will a strike break my continuous service? | Days when on strike do not count towards continuous employment, but this is not treated as a break. |
| 12. | Can I be exempt from taking part in industrial action? | If you are in your last year of service (retiring and a member of the NHS pension scheme), are pregnant (having notified your manager) or if you are in receipt of benefits which could be affected, you are eligible for exemption, if you wish. If you are in one of these categories and wish an exemption inform your manager who shall provide you with an exemption letter. |
| **Pay** | | | |
| 13. | Are employees who strike entitled to be paid? | No. Any member of staff who fails to attend for a shift, or part of a shift during the period of industrial action will not be entitled to be paid. This will include any enhancements or allowances which would normally have been paid to the employee.  The employees pay status must be recorded as ‘unauthorised unpaid leave’ and this will be processed in the [months pay] |
| 14. | Will my maternity pay be affected by the day of action? | Maternity pay for staff on maternity leave and who wish to participate in the day of action will not be affected.  If you are pregnant and wish to participate in strike action, you will not be paid for the hours you should have worked. This could have an impact on your maternity pay if the strike action occurs during the reference period when maternity pay is calculated. Pregnant workers can seek an exemption letter, exempting them from industrial action.  See question 12. |
| 15. | Will my pension contributions be affected if I am on strike? | Yes. Neither employee nor employer pension contributions will be made for the period, therefore pensionable salary for the year will be reduced by the equivalent amount. |
| 16. | What if I am not scheduled to work on a day of strike action? | Employees who are not scheduled to attend work on the day(s) of the strike action, including job sharers or part time workers, will receive their normal pay for the day. |
| 17. | What happens if I don’t report for duty on days of action? | If no contact is made with your line manager/agreed contact regarding the reason for absence, it will be assumed that you are on strike and therefore your pay will be deducted accordingly. |
| **Leave** | | | |
| 18. | Can I take annual leave on the day of industrial action? | All annual leave requests must be approved in advance and as per normal provisions for the management of leave which will be subject to the exigencies of the service. Staff cannot be refused leave simply because there is industrial action. |
| 19. | Can I request special leave on the day of industrial action? | Any such requests must be managed in line with the appropriate NHS Lanarkshire employment policies and procedures |
| 20. | If the schools/nurseries are affected by industrial action and are closed on the same day as any industrial action affecting NHS Lanarkshire will I be able to request special leave? | Special leave is granted in response to unexpected crisis and urgent family problems. On this basis in line with the Special Leave Policy, special leave will not apply due to the advance notice of this likelihood having been widely communicated via the media and elsewhere. This means that parents and carers have had time to plan alternative arrangements. |
| 21. | What if I am sick on the day of any planned industrial action? | If you are off sick on a strike day, you must notify your manager of your sickness absence in line with the Once for Scotland Attendance Policy. |
| **Service and Staffing Arrangements** | | | |
| 22. | Will I be allowed to work from home on the strike day? | If you are called to action by your Trade Union, you will not be allowed to work from home to reduce the impact of strike action. If you work from home, or work at home on a regular basis, you can work from home, provided it meets the business needs. |
| 23. | Can I be asked to undertake other duties as a result of colleagues striking? | Yes. You may be requested to undertake other duties in accordance with your contract of employment to help maintain essential and emergency services. These duties should be within your skill base and where required necessary training provided.  Where essential and emergency services cover as described by NHS Lanarkshire has been provided then there should not be a need for staff to undertake other duties. However, this will be assessed on a daily basis at the beginning of each shift to ensure adequate cover across emergency and essential services. |
| 24. | I am not participating in strike action, should I attend for work? | Yes, you should attend for work as normal. |
| 25. | What should I do if I have booked annual leave prior to the notification of a day of strike action and now wish to change in order to participate in the strike action? | Staff have a right to strike. If they choose to, every effort should be made to accommodate the change of leave. However, service needs will need to be met and the principles relating to carry forward of leave applied. |
| 26. | Can my manager ask me if I am attending work on the days of action? | Employers are allowed to assess the impact of any action on their ability to deliver safe services. Employers are allowed to gauge staff intent in a sensitive manner such as ‘are you likely to be available for work’.  You are not required to answer this. |
| 27. | Will training sessions take place? | It is likely that training sessions will be cancelled to ensure that all available resources are used to support service delivery. |
| **Staff Facilities** | | | |
| 28. | Will there be catering facilities available for staff during industrial action? | It is anticipated in NHS operated facilities there is unlikely to be a staff service available. |