

From: Helen Thornham H.Thornham@leeds.ac.uk
Subject: Fw: [City All Staff] UCU Industrial Action: Information for Staff
Date: 3 December 2019 at 12:23
To: Joanne Armitage J.L.Armitage@leeds.ac.uk

HT

Associate Professor Digital Cultures
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Gender and Digital Culture: Between Irreconcilability and the Datalogical (Routledge 2018)

From: Myers, Carrie <Carrie.Myers.1@city.ac.uk>
Sent: Thursday, November 28, 2019 2:47 PM
To: Helen Thornham <H.Thornham@leeds.ac.uk>
Subject: FW: [City All Staff] UCU Industrial Action: Information for Staff

And the last one.
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From: Luckiram, Mary
Sent: 15 November 2019 14:28
To: *City All Staff <ddo_City_All_Staff@cityuni.onmicrosoft.com>
Subject: [City All Staff] UCU Industrial Action: Information for Staff

Dear Colleague

Background to UCU Industrial Action

UCU has notified City that it is calling on its members to take industrial action in support of its disputes over reforms to the Universities Superannuation Scheme (USS) and the outcome of the national pay negotiations for 2019/20. The notification of action follows UCU ballots which closed on 30th October 2019.

I regret having to write to all colleagues about this issue but we do not know who the UCU members are at City, University of London and therefore have to send this letter to all relevant staff, even though we anticipate the overwhelming majority of staff will not be supporting UCU's planned action.

For UCU members taking part in the action, City's position is described below. The same approach will apply for staff who are not UCU members and choose not to undertake their full duties. Staff who choose not to cross a picket line and therefore do not attend work or fulfil their normal duties will have one day's pay withheld for that date/those dates.

UCU is calling on its members to take both strike action and action short of a strike (ASOS). The strike action is to consist of 8 days of strike for the period Monday 25th November to Wednesday 4th December 2019 (inclusive).

UCU is also asking its members to start action short of a strike from Monday 25th November. The action short of a strike in support of the USS dispute will take four forms:

- * working to contract;
- * not covering for absent colleagues;
- * not rescheduling lectures (or other educational activity) cancelled due to strike action;
- * not undertaking any voluntary activities.

In addition, the action short of a strike in support of the Pay dispute will take the form of not sharing materials related to lectures or classes cancelled as a result of strike action.

Strike action

Under industrial action legislation, staff are expected to declare their participation on or shortly after the days(s) on which they are taking action. You are asked to complete the online *pro forma* at <https://staffhub.city.ac.uk/human-resources/our-services/strike-action-form> if you have taken part in strike action. This is also to clarify your wishes over pensionable service during that period (further details are given below). Please submit your online response by midday on Friday 6th December 2019.

As with previous industrial action, it is important that you are aware, in advance, that City's policy is to withhold a day's pay from staff for each day of participation in strike action. The factor for calculating a day's pay will be 1/365th of salary.

Action Short of a Strike (ASOS)

City does not accept the partial performance of the contract of any member of staff. This means that if you decide to take part in ASOS (or strike action) by declining to undertake duties which normally form part of your role or to follow a reasonable management instruction such as a request to reschedule a lecture or covering for an absent colleague, you may not be entitled to your contractual pay from the date you started to participate in the action.

Working to contract or not undertaking voluntary activities would not normally be defined as a breach of contract and would not affect your entitlement to your usual contractual pay for that day or period.

The ASOS called by UCU has the potential to have a serious adverse effect on our students. Where a breach of contract does occur we reserve the right to withhold 100% of pay, at a daily rate of 1/365th of annual salary. However, in the first instance and in view of the imminent date of the end of term at City (6th December 2019), we have decided that we will not withhold pay from the outset of the period of ASOS but will continue to keep the severity of the impact of ASOS under review.

We reserve the right to increase the proportion of salary withheld up to 100% during any period where we judge the impact of the partial performance on our students to have become significant and serious. We will periodically review the effect of the action on our students and may increase the level of pay withheld if we judge it necessary in response to serious and sustained impact on our students. I will write to you again if and when any decision on a change to the

level of deduction is made.

Joining in with subsequent claims for damages

I can confirm that there is no intention to enjoin members of staff in any subsequent legal action arising from periods of industrial action.

Pension and other implications for staff participating in strike action and/or in action short of a strike

Industrial action automatically suspends a member of staff's employment contract, impacting on the accrual of pension and other benefits. If you are a member of a pension scheme, UCU can advise you on the implications for your pension cover if you decide to take part in ASOS. For this period of industrial action, USS has confirmed that life cover and death in service cover will be automatically maintained.

City is willing to maintain USS pension contributions in full during periods when salary is withheld. However, in order for the full employer contribution to be maintained a member will need to confirm that they will also pay their employee contribution based on their full salary. Where the member agrees to maintain their full employee contribution, there is no need to issue any notification to the trustee company. Pensionable service will continue as normal without alteration.

We ask you to complete the online *pro forma* at <https://staffhub.city.ac.uk/human-resources/our-services/strike-action-form> if you wish to maintain your USS service in this way and pay your full contributions.

Impact on monthly salary payment

Please note that if you do participate in strike action it will not be possible to administer the adjustment to pay by the payroll cut-off point for December.

Following a request from UCU and based on the range of approaches to the phasing of pay deductions being discussed at other institutions, we will phase the deductions from salary over three months. For example, for staff who have participated in strike action for the full 8 day period (25th November to 4th December) the deductions will be made from the January salary payment (2 days), February salary payment (3 days) and March salary payment (3 days).

The withholding of pay is without prejudice to any other right or remedy of the institution, including any claim for damages for breach of contract.

Impact on our students

Our students will naturally be worried by the impact of industrial action and disruption to their education, study in libraries and progression. We hope you will consider this carefully before following the current UCU course of action.

If you choose to take part in the action being called by UCU and at a later stage decide to change your position and resume working normally, you should notify your Dean or Professional Services Director immediately in writing. Your salary would then be reinstated to your normal contractual salary from the date on which you return to normal working. Pay withheld will not be reinstated.

I realise that many staff will not wish to participate in this action. However the

realise that many staff will not wish to participate in the action. However, the actions of UCU require us to make plans to mitigate the impact on our students and to ensure that we have fully communicated the University's position to all staff: we hope you will understand why it is necessary.

If you have any queries about this letter please contact your local HR Manager, see www.city.ac.uk/staff-hub/human-resources/contact-us or industrialaction@city.ac.uk.

Best wishes
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