To NJC Local Government Branch Secretaries, RLGSG Secretariat, All NW Organising Staff, RMT

Colleagues

The Regional Centre has received numerous calls from schools-based members about whether they are part of the action on 10 July or not. In particular we have received enquiries where our members are not covered by the dispute but the school may be closed as a result of NUT action. We know that many branches are receiving the same types of enquiry.

Below is a short guidance note that draws together previous advice issued under separate covers

Regards

John Lewis
Regional Lead for Local Government

Advice for UNISON Members In Schools Regarding Strike Action on 10 July

Members covered by the UNISON dispute

All UNISON members employed in community schools, VA/VC schools, Foundation and Trust schools are covered by this dispute.

Members not covered by the UNISON dispute

UNISON has taken a considered decision not to register a dispute at this time with some employers, based on an assessment of the current legislation on balloting and very recent court/tribunal judgements. UNISON has therefore not balloted some member groups who may in the past have been part of similar disputes and who may originally have anticipated they would be part of this dispute.

With some exceptions (again after a considered decision) this includes members in Academy Schools where employment previously transferred to the Academy from the local authority or a Community/VA/VC School.
Call To Action

UNISON has now issued the call to action. This is to all UNISON members who are covered by this dispute. Where the UNISON Centre has an email address recorded for a member those members will receive an email with the call to action. Regardless, the call has been issued (see national and regional websites) and the strike is going ahead on 10 July.

This call to action equally covers UNISON members in employers covered by the dispute who have joined since the ballot started (see below).

UNISON members in employers not covered by the dispute are not called to action on 10 July.

UNISON only calls its own members to action. Other unions involved will issue their own calls.

New UNISON Joiners in Employers covered by the dispute

Any UNISON member who works for an employer that is covered by the dispute is called to take action, can take part in the action, and will receive the statutory protections that come with trade union membership when involved in a lawful industrial dispute. This includes new joiners who become UNISON members following the start of a ballot, including those who join UNISON at a picket line.

Non Members in Employers covered by the dispute

For the avoidance of doubt a trade union cannot ‘call on’ members of other trade unions or non union members to take strike action, though pickets are at liberty to talk courteously to such.

Non union members are not covered by the same statutory protections as trade union members involved in lawful industrial action. It is a matter for individual employers as to whether they would seek to impose any sanctions on employees who are not union members, or who are members of unions not party to the dispute, if they were to withdraw their labour in support of a strike at their workplace/employer. Our advice for non members who wish to honour a UNISON picket line or support a UNISON strike is to join UNISON, even if that is at the picket line.
UNISON Members in Academy Schools that are NOT covered by the dispute

There will be UNISON members working in Academy Schools that are not covered by UNISON’s action on 10 July – but where action is being taken on the same day by other trade unions, in particular by the NUT as part of their dispute.

It is for the Head Teacher and/or Governors to make a decision as to whether the school will be closed or part-closed on 10 July and whether any such closure affects pupils and staff or pupils only.

If a school closes or part closes due to industrial action by other trade unions and UNISON members ARE requested to attend work and undertake normal work duties, then our advice is that members would need to do so to guarantee they are paid for the day. In such circumstances UNISON members should only undertake normal duties.

If a school closes or part closes due to industrial action by other trade unions and UNISON members are NOT requested by the School to attend work, then members should be paid as normal for the day as this is the decision of the School and does not constitute industrial action by UNISON members. In this case it is no different than a School deciding to close due to weather or breakdown, etc.