

## STRIKE FAQs

| <b>General Questions</b>   |   | <b>EIS RESPONSE</b>   |
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| <p>What strike days have been announced by the trade unions?</p> | <p>EIS: 19,30 &amp; 31 May 2023<br/>           NASUWT: 30 &amp; 31 May and 7 &amp; 8 June 2023<br/>           SSTA: have (sic) not balloted their members to support strike action and hence there are no strike dates involving SSTA members.</p>  | <p>Accurate</p>   |
| <p>What is the purpose of this industrial action?</p>            | <p>This is really a question for the trade unions. For our part, the School is disappointed that the trade unions have induced their members to go on strike. We believe that strike action is damaging to the School and futile, as we have already taken the decision to withdraw from the STPS, following near unanimous acceptance of a generous new personal pension scheme for our teachers. Many of our teachers and support staff have told us that they do not support industrial action either.</p> | <p>The School is seeking to convince members that their action is “futile” as colleagues have “unanimous acceptance of a generous new personal pension scheme for our teachers.” This is disingenuous to say teachers ‘accepted’ the pension changes. They were threatened with dismissal if they didn’t sign the new contracts and 67 teachers stated to the School they signed under duress or unwillingly.</p> <p>In law, our industrial action must be linked to the dispute. Our strike notice has included reference to the dispute, and i.e to stop the School’s withdrawal from the STPS.</p> |
| <p>What parts of the school will be open on strike days?</p>     | <p>Our intention is to open the schools wherever possible on strike days. We want to maintain the quality education that our pupils deserve and their parents pay for, but we must balance this with the safety and pastoral care of all of our people.</p> <p>The SLT has comprehensive continuity plans in place.</p>   | <p>No comment</p>   |

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| <p>Do parents have to send their children to School on a strike day?</p>        | <p>Parents have a legal duty to ensure that their school-registered child of compulsory school age attends school regularly. Therefore, all school-registered children of compulsory school age in classes open on days when strike action is being taken are still required to attend school, regardless of parental choice or the closure of other classes in the school.</p> | <p>This is an odd statement and it seeks to bind parents into sending their pupils to school across picket lines.</p> <p>Whilst the comment is legally correct, it says a lot about the culture of the school's management.</p> |
| <p>Is there a 'legal right' to strike in the UK?</p>                            | <p>No. However, EIS and NASWUT union members who go on strike on the above dates qualify for statutory protection as their unions have carried out a lawful strike ballot and notified the School of the respective strike days above.</p>  | <p>Accurate.</p>  |
| <p>If I engage in industrial action, is this a breach of my contract?</p>       | <p>Yes. Industrial action is a breach of your contract of employment, but because it is protected as official industrial action, there are protections.</p>   | <p>Accurate.</p>  |
| <p>As a member of a union that voted to strike, do I have to go on strike ?</p> | <p>No. Irrespective of how an individual trade union member voted in a strike ballot, it is your personal choice whether to take part in a strike.</p>  | <p>Accurate.</p> <p>The EIS, as a democratic trade union, would however expect all members to abide by the result of an independently run statutory ballot and support the strike. In unity there is strength.</p>              |

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|   | <p>Decide what is in your best interests. If you feel concerned about peer pressure to strike, please approach your manager or the School's HR Adviser.</p> <p>You have the right not to take part in industrial action and you can't be disciplined by your union if you refuse to strike. Should you get excluded or expelled by your union, you can complain to an employment tribunal.</p> <p>We encourage all members of staff (teachers and support staff) to report for work as usual. All employees who choose not to come to work on a strike day will be treated as having been on strike</p> |  |
| <p>As a member of support staff, do I have to go on strike?</p> | <p>No. We encourage all members of staff (teachers and support staff) to report for work as usual. It is your individual decision to report for work as normal. All employees who choose not to come to work on a strike day will be treated as having been on strike.</p>  | <p>Accurate, in terms of the law.<br/> The EIS, as a democratic trade union, would however expect all members to abide by the result of an independently run statutory ballot and support the strike.<br/> In unity there is strength.</p> |

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| <p>Can I take annual leave on a strike day?</p> | <p>Teachers :</p> <p>No. Teachers are not entitled to take annual leave when the school is in session unless this is agreed by the Rector. No teachers will be permitted to take annual leave on a strike day.</p> <p>Support Staff :</p> <p>A small number of support staff had already been authorised to take annual leave by their line managers, before EIS and NASUWT announced strike dates. Those pre-arranged holidays will be honoured. No other support staff will be permitted to take annual leave on strike days. We must maximise attendance on these days to enable the School to ensure the safety and wellbeing of any staff and pupils in school on strike days.</p>      | <p>This is the school's decision.</p>  |
| <p>What if I am sick on a strike day?</p>       | <p>The School is aware of a handful of staff on long term sick leave. Their pay will not be affected by absence on the strike days.</p> <p>Any other member of staff who is sick on the strike day must notify the School by no later than 9.00am that day. You should contact the Trust Office rather than your line manager, as they may also be absent from work if they are taking part in the strike. All employees who are off sick on a strike day will be required to provide medical evidence eg a doctor's note confirming the reason for their absence. If this is not received, the employee will be treated as having participated in the strike and will lose a day's pay.</p> | <p>The school seems to be unilaterally varying its sickness absence policy on school day.</p> <p>Since these policies are not collectively agreed, then such variation could be lawful and illustrates the type of employer the School is.</p> |

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| <p>What about staff on courses or other agreed leave?</p>                         | <p>If you are out of school on school-agreed leave or absence (eg SQA marking), you won't lose any salary.</p>  | <p>All EIS members are called out on strike.<br/>Only the EIS may grant exemptions to its strike action.</p>  |
| <p>I work part-time, what if a strike day is not my usual working day?</p>        | <p>If you aren't due to be working on a strike day, you won't lose any salary.</p>  | <p>Accurate.</p>  |
| <p>Do I have to tell the school I am going on strike or have been on strike ?</p> | <p>The ACAS guide on Strikes states: <i>"Employers can ask their employees if they intend to take part in a strike. Employees do not need to tell their employer they're going on strike in advance. They also do not need to contact them on a strike day. When they return to work, they should tell their employer they've been on strike. An employee can change their mind at any time."</i></p>   | <p>Accurate.</p>  |
| <p>Will there be a picket at the school?</p>                                      | <p>Probably. This can only legally be at an entrance to the place of work and no more than 6 workers should attend the picket line. The unions also have to appoint a picket supervisor. Importantly, we will have pupils attending BR on the first strike day and we have asked the EIS to ensure their safe passage to school without disruption.</p>   | <p>This is incorrect. The number "6" of pickets specified comes from a Code of Practice and is not "law" or legally binding. It is not enforceable. nEIS members will picket in large numbers on public land outwith HGS entrances. The EIS will issue picket supervisors' letters.</p> |
| <p>Do I need to cross the picket line to come to work?</p>                        | <p>If there is a picket at an entrance to the School, you may need to pass this (or 'cross the picket line') to access the School.</p> <p>Pickets are only entitled to obtain or communicate information or persuade you not to work. We will do our utmost to ensure that all colleagues who wish to can feel safe coming to work.</p> <p>Failure to attend work because you don't want to cross the picket line will count as participation in the strike and pay will be deducted as outlined below.</p> | <p>Accurate.</p>  |

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| <p>Can I be dismissed for going on strike?</p> | <p>The law provides protection against dismissal when taking part in official industrial action, that is, protected by a lawful ballot.</p> <p>EIS and NASWUT members who take part in lawful (protected) strike action are protected from unfair dismissal if you participate in lawful industrial or strike action. However, after 12 weeks you can be dismissed if we have been unable to resolve this dispute in the meantime.</p> <p>Workers who take 'unofficial' industrial action or engage in 'wildcat' strikes are not protected from dismissal at any time and are not eligible to claim unfair dismissal if they do.</p> | <p>This is accurate although intimidating.</p> <p>No school, college or university in Scotland has dismissed staff for taking part in industrial action.</p> <p>The EIS would support such a member with its full resources and the publicity for the school would be woeful. This includes members on temporary contracts.</p> |
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| <p>If I go on strike, will I lose any pay ?</p>                    | <p>Yes. Salary will be deducted at the rate of 1/365<sup>th</sup> of your annual salary for each strike day that you take.<br/>If you aren't due to be working on a strike day, you won't lose any salary.</p>   | <p>No comment.</p> |
| <p>I am not going on strike, how do I ensure that I get paid ?</p> | <p>All staff working on a strike day (ie teachers and support staff at either KS or BR) must sign in on the relevant attendance sheet on arrival at School and sign out at the end of the day. This is for essential salary information and good health &amp; safety practice.<br/>Please note that the BR attendance sheet will be in the Buchan Room. KS attendance sheet will be on Diane Hives' desk. HAPP and Grounds Staff should record attendance at BR.</p>   | <p>No comment.</p> |
| <p>If I go on strike, does it affect my pension ?</p>              | <p>Teachers:<br/>Yes. Strike days do not count as reckonable service for your pension calculations. Also, under the STPS CARE scheme, your 1/57<sup>th</sup> calculation for the years 2023/24 will be reduced as your earnings are less. The School does not make its employer pension contribution for your strike day.</p> <p>Support staff :<br/>Yes. Strike days will reduce your earnings in the period and hence the sum you put into your pension will be reduced. The School does not make its employer pension contribution for your strike day.</p> | <p>Accurate.</p>   |
| <p>Do strike days affect my length of service?</p>                 | <p>Yes. Strike days do not count towards a staff member's total length of service.</p>   | <p>Accurate.</p>   |

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| <p>I don't agree with industrial action, is there anything I can do?</p>  | <p>It is a personal choice of all colleagues whether to take part in industrial action. If you disagree with the actions the trade unions are taking, please tell your manager. You may also be willing to engage in conversations with your colleagues to explain how and why you feel this way. Please be courteous, respectful and avoid confrontational arguments.</p> | <p>This is a cultural problem the HGS management has.</p> <p>It does not accept that its staff have a problem with the planned inferior pension, but blames the "trade unions".</p> <p>The School either believes that trade union control the staff's views on their pension or are seeking to deflect the problem.</p>      |
| <p>I'm happy to change my work arrangements/location if it helps provide cover on strike days – am I able to do this?</p> | <p>Thank you, yes, we very much appreciate your support and flexibility. Please let your line manager or a member of SLT know.</p>   | <p>Any HGS employee doing this would be supporting efforts to "strike break" this lawful industrial action. It is also known as "scabbing". They would be undermining the legitimate aims of their colleagues to protect their pension.</p> <p>NASUWT and SSTA have advised staff not to cover for striking EIS colleges.</p> |



## Strike Day Friday 19 May 2023

What parts of the School are open ?

Our intention is to open the schools wherever possible on strike days. We want to maintain the quality education that our pupils deserve and their parents pay for, but we must balance this with the safety and pastoral care of all of our people.

SLT has comprehensive continuity plans in place as follows:

### PRIMARY:

While the early years facility is open at KS, there will be no P1-P7 pupils in school on Friday 19 May 2023. While there will be no pupils present at school on this date, to be clear, this is still a working day and we expect all staff (both teachers and support staff) to report to work as normal.

### SECONDARY:

Open as normal to pupils ie S1-S3 in school, S4 -S6 on study leave, except those candidates sitting SQA examinations on 19 May 2023, who will attend school as normal ie per their examination timetable. BR is also fully open to all staff (both teachers and support staff). Arrangements for other planned strike days will be announced in due course.

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| Will there be a picket at the School?                  | Yes. EIS have notified us of their intention to picket and we expect they will have a picket at a number of locations at BR and KS on 19 May 2023 and that there will be pickets on future strike days. This can only legally be at an entrance to the place of work and no more than 6 workers should attend the picket line. The unions also have to appoint a picket supervisor. Importantly, we will have pupils attending BR on the strike day and we have asked the EIS to ensure their safe passage to school without disruption.  |
| Can I be dismissed for going on strike on 19 May 2023? | Firstly, note that only EIS has balloted members to take strike action on 19 May 2023.<br>The law provides protection against dismissal when taking part in official industrial action, that is, protected by a lawful ballot. The following employees will benefit from this protection on 19 May 2023: <ul data-bbox="728 798 1377 1045" style="list-style-type: none"><li>• Teachers who are members of the EIS which has a lawful mandate for strike action who decide to take part in strike action as called by EIS.</li><li>• Teachers who are not members of the EIS, who decide to take part in strike action as called by the EIS, as long as they are not a member of a different trade union eg NASUWT or SSTA.</li></ul> |

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|   | <p><b>Please note : Teachers who are members of a trade union(s) without a lawful mandate to strike on 19 May 2023 (ie members of NASUWT or SSTA), and who decide to take part in strike action as called by the EIS on this occasion, will not be protected against dismissal or other disciplinary action.</b></p> <p>EIS and NASWUT members who take part in lawful (protected) strike action are protected from unfair dismissal if you participate in lawful industrial or strike action. However, after 12 weeks you can be dismissed if we have been unable to resolve this dispute in the meantime.</p> <p>Workers who take 'unofficial' industrial action or engage in 'wildcat' strikes are not protected from dismissal at any time and are not eligible to claim unfair dismissal if they do.</p> |
| <p>If I am not going on strike on 19 May 2023</p>               | <p>All staff working on the strike day (ie teachers and support staff at either KS or BR) must sign in on arrival at School and sign out at the end of the day.</p> <p>Please note that the BR attendance sheet will be in the Buchan Room. KS attendance sheet will be on Diane Hives' desk. HAPP and Grounds Staff should record attendance at BR.</p>  |
| <p>Will the role of support staff change on the strike day?</p> | <p>No, unless you wish to provide more support and flexibility. Please let your support staff line manager or a member of SLT know.</p>   |
| <p>External Visitors</p>  | <p>There should be no external visitors to the School on a strike day; unless there is an emergency.</p>  |