

GENERAL LSE GUIDELINES ON INDUSTRIAL ACTION FOR MANAGERS AND STAFF

Background

As a result of properly conducted ballots, any of LSE's recognised trade unions (UCU, Unite and UNISON) may invite their members to undertake industrial action. Non-union members who take part in legal, official industrial action also have the same rights as union members not to be dismissed as a result of taking action.

LSE respects the right of employees to take part in legal industrial action and has developed this document to provide information so that employees and managers can understand the School's approach to dealing with industrial action.

Requirements for a legal industrial action

A trade union must conduct a ballot prior to any action and it must give at least fourteen days' notice prior to the start of any formal industrial action being taken at LSE. In line with the Trade Union and Labour Relations (Consolidation) Act 1992, peaceful picketing at LSE is allowable for the purposes of "obtaining or communicating information, or, peacefully persuading any person to work or to abstain from working". However, secondary picketing in support of those individuals external to the School is unlawful. Further information on the requirements can be found at: <https://www.gov.uk/industrial-action-strikes/going-on-strike-and-picketing> and information on employment rights during industrial action can be found at: <https://www.gov.uk/industrial-action-strikes/your-employment-rights-during-industrial-action>.

Types of legal industrial action

Industrial action can happen through either strike action (withholding of labour) for one or more days and / or action short of a strike.

Action short of a strike can take the form of "partial performance" – where the employee is willing to undertake some of their duties but refuses to carry out others; for example, the employee may boycott assessment and examinations activity. This can also take the form of "work to rule"/"working to contract", whereby employees work strictly to their employment contracts, e.g. working hours, and withdraw their labour from any work that may otherwise be undertaken as a 'voluntary' part of their role. Contractual duties include what is in contracts of employment and related documents, the customary ways in which people have worked in their departments or units and the implied duties that both they and employers have.

LSE's response to industrial action

It should be noted that lawful action undertaken may be deemed to be a breach of contract. In such circumstances, LSE will consider the impact on students, other employees and on the School more widely. LSE's formal position is that it does not accept partial performance and considers this a breach of contract, as with full strike action.

Impact on pay and other terms and conditions of taking industrial action

LSE is entitled to deduct pay if the employee is in breach of contract. This will be a deduction of a full day's pay for each day an employee withholds their labour and LSE reserves its right to deduct up to, and including, a full day's pay for partial performance, unless it has said otherwise in any specific instance of industrial action. Pay will be deducted for each day of industrial action:

- A. Where an employee completes the self-declaration form

- B. Where an employee does not complete the form but is reasonably believed to have taken part in industrial action
- C. Where an employee has given ambiguous information to the School.

LSE's calculation of a day's pay for the purposes of deductions from pay due to industrial action will be the annual salary divided by 365 (annual salary divided by days of the year).

LSE will not pay employer's pension contributions, nor deduct an employee's pension contribution, for days on which employees are participating in industrial action. This means that full pension membership will not be maintained during such a period but individuals will remain fully covered for death in service benefits and incapacity benefits providing they are not absent for a total period exceeding 31 days. If an individual instructs LSE in writing, prior to the start of any industrial action commencing, that they wish to maintain the period as fully pensionable, then the School will deduct contributions from an employee's pay equivalent to the combined employee and employer's contribution due for each day of strike action. Employees should contact the Pensions team at HR.Pensions@lse.ac.uk if they require further information.

Reporting requirements

LSE is entitled to determine which employees are undertaking industrial action. Whilst under no obligation, employees are encouraged to confirm to their heads of department and service leaders that they are withholding their labour at the earliest opportunity. LSE requires employees who are participating in industrial action – whether strike action or action short of a strike – to 'self-declare' to the School as soon as possible using the online pro-forma which is available on the [staff webpages](#). Completed self-declaration forms should be submitted no later than 24 hours following the conclusion of each period of continuous strike action¹ and / or the commencement of action short of a strike. Where this falls on a weekend, the form should be submitted no later than the end of the following Monday. Employees should submit a separate self-declaration form for each period of continuous strike action² and / or action short of a strike in which they are taking part. Separate forms for each period of continuous strike action are available on [the website](#). Once submitted, the form will be sent directly to the Payroll team in Finance Division and shared with limited and relevant staff, including HR and the relevant Head of Department/Service Leader/Centre Director/Institute Director for the purposes of carrying out necessary planning activities and making relevant salary deductions.

It is the responsibility of all heads of department and service leaders to record the absence of employees and notify their HR Partner if they know or suspect that an individual has withheld all or part of their duties and has not 'self-declared'.

Only in exceptional circumstances should annual leave requests be agreed for days when industrial action is being taken. Staff who wish to participate in industrial action who have booked annual leave should cancel their leave and notify their line manager and complete the self-declaration form.

Where employees regularly work remotely, they should agree with their manager whether or not they will be required to work / teach on campus on the days during which industrial action is taking place. This will be decided on the basis of operational requirements and in line with normal practice. Exceptional requests to work remotely that are generated after the declaration of strike action or partial performance will not normally be granted.

LSE reserves the right to request a doctor's 'Fit Note' (at the employee's expense) from any employee who reports absence from work due to sickness on any dates of industrial action.

Inappropriate treatment

¹ For the purposes of these guidelines and all other references to LSE's approach to industrial action, 'continuous' is considered to be any period of consecutive days on which strike action is taking place.

Any employee who feels or witnesses intimidation during any period of industrial action should report it to their Head of Department, Service Leader and / or HR Partner. Intimidation of employees will not be tolerated and will be subject to the relevant disciplinary procedure within the School.

Further information

LSE will provide employees with relevant information on any ballot and any ensuing industrial action due to take place via Staff News, individual letter / email or on the School's website. Employees are encouraged to view information communicated on the LSE website during any period of industrial action. Information can be found on the [HR website](#).

If you have any questions or need any further information please contact your HR Partner or Lisa Morrow, Head of HR Policy and Employee Relations. Contact details can be found [here](#).

Please note that employees at all levels across LSE (unless authorised to do so) should refrain from speaking to representatives from the media on behalf of the School and be aware that any communication made privately may be damaging to both the student experience and the academic reputation of LSE. Should you have any questions please contact the Media Relations team by telephone on 020 7955 7060 or by email at Media.Relations@lse.ac.uk.