

The Unite logo, featuring the word 'Unite' in white, slanted text on a red background.

ACTION LERT

The Unite the UNION logo, featuring the word 'unite' in white lowercase letters and 'the UNION' in white uppercase letters on a blue background.

www.unitetheunion.org

PUBLIC SERVICES DISPUTE – 30 NOVEMBER 2011

GUIDANCE TO UNITE MEMBERS WHO ARE NOT DIRECTLY INVOLVED IN STRIKE ACTION BUT APPROACH PICKET LINES

You will be aware that many Unite members employed across our public services have successfully balloted for industrial action in connection with the ongoing dispute over imposed changes to their pension schemes.

Following this vote, Unite is calling on all members employed by an employer where we have secured a YES vote and notified the employer of our intention to take strike action, to join with their colleagues from other public sector trade unions in sending a very clear message in support of your pensions on 30 November 2011.

- **Industrial action will commence on Wednesday 30 November and will run from 00.01 concluding at midnight.**

This is an official dispute. It is supported by the Trades Union Congress (TUC) and we are working with their regional organisations on the planning of various protests, actions and other events in towns and cities across the United Kingdom on the day.

During the course of your working day you may come into contact with either a picket line at a place of work or an event involving our members in the community. This advice provides you with information necessary for you to act appropriately.

ADVICE TO THOSE NOT IN DISPUTE ON 30 NOVEMBER

Given the very complex legal position workers and unions currently find themselves in, we advise the following to our members who are not in dispute themselves, but may come into direct contact with a picket line on the 30 November during the course of their work;

1. It is perfectly lawful for pickets to approach workers; lorry drivers and drivers of other vehicles as well as warehouse, dispatch, administrative and other groups of employees. It is perfectly lawful for these pickets to ask workers to stop, to communicate information to them on the merits of their dispute and to peacefully persuade them to honour the picket by abstaining from working.

*Keeping you up to date and informed
Supporting our members **fighting back***

2. If members approach any picket line they should advise the pickets that support is given to the dispute by Unite and they will not undertake any work outside of their normal contractual duties, neither will they take over the work normally conducted by those workers in dispute. If your employer demands that you do take over the work of those in dispute the union will lawfully resist such demands and could ballot our members for industrial action.
3. If members approach or are approached by pickets and on assessing the situation feel insecure, threatened in any way or indeed believe that their presence or continued operation in the area could endanger either themselves or others, they have the right to remove themselves from the situation.
4. If it is believed that this is the only available course of action members should leave the area and contact their employer for further guidance. If contact cannot be made with their employer and they are not at their place of work they should return to their place of work, unless advised otherwise.
5. You have a statutory duty under the Health and Safety at Work Act (1974) Section 7, not to endanger yourself or others during the course of your work. This decision is one that can only be made by yourself as the individual concerned, having assessed the situation as you see it on the ground. As above, if you feel your continued presence is a danger to either yourself or others you should remove yourself from the area and contact your employer for further guidance.
6. Your employer also has a statutory responsibility to assess all risks to both yourself as an employee and to other who may be affected by or arising from their operations. This duty is found within the Management of Health and Safety at Work Regulations (1992). This risk assessment must be up to date and relevant to the situation, in writing and provided to you on request prior to you commencing duties.

The industrial action taking place on the 30 November coupled with the protests being planned are likely to be significant. This change to normal circumstances would warrant a review of any existing risk assessment and specific guidance from your employer on actions to take should you, or others affected by your work, be at risk as a consequence of your work activity.

Advice ends