

# PROSPECT STRIKE ACTION

15<sup>th</sup> MARCH 2023

## FAQ FOR NATURAL ENGLAND MEMBERS

Version 13 March 2023

### Quick links:

- Prospect Natural England reps contact details: [E001/AR Natural England Section - Documents \(prospect.org.uk\)](#)
- Visit Prospect's Natural England campaign page: <https://prospect.org.uk/naturalengland/>
- Prospect's wider Public Services campaign page: <https://prospect.org.uk/serving-our-society/>
- Get a colleague to join up and take part in the industrial action: <https://prospect.org.uk/join/>

### General Questions on the Strike

#### **1. Why are we taking strike action?**

Prospect members of Natural England are taking strike action because we are in dispute with our employer over three key issues:

- we are unhappy with the 3% pay offer made by Natural England during the most recent round of pay negotiations, which represents another year of real terms pay cuts for NE staff on the back of a decade of such offers;
- we are unhappy with proposals to change the arrangements of the Civil Service Compensation Scheme (CSCS) which would result in a much poorer settlement for staff taking redundancy or being made redundant; and
- we have real concerns about arbitrary head count reductions in the civil service and the possibility of compulsory redundancies based on Government spending plans.

#### **2. What does going on strike actually mean for me?**

Taking strike action is a last resort – no-one wants to do it, but in this case it's the only remaining option open to us to try and secure the progress we need on pay, terms and conditions. Taking strike action simply means withdrawing your labour for the duration of the strike – in this case for one day on 15<sup>th</sup> March. What you choose to do with that time is then up to you – we'd like you to visit a picket line or show support for your colleagues and for Prospect's action! There may also be local rallies near you run by local trade union councils which you can attend. See below for finding out details on action near you (Qs 13 and 16).

Some members who have planned leave, or have a non-working day on the strike day, may choose to make this a strike day instead out of principle. If you wish to do this, you will need to let your manager know.

### **3. By going on strike, am I putting my job at risk?**

Taking strike action is technically a breach of your employment contract with Natural England. The law, however, prevents Natural England from taking disciplinary action against you as this industrial action is a legal trade dispute and employment rights are protected in these circumstances. So no, your job is not at risk if you are a Prospect member undertaking strike action.

### **4. What will be the impacts of strike action on my pay and pension?**

As you have withdrawn your labour, Natural England will not pay you, nor will you receive pension benefits, for the period you are on strike. In this case, it will be a single day. For the day of action, you will be recorded by NE as absent without authorisation, which does not constitute a break in service from a pensions perspective, but you will not receive pension benefits for that day.

### **5. It seems a lot of the fault here is with the Government and the pay remit designed by Treasury – shouldn't we be including them in our industrial action?**

To be legal, a strike must relate to an industrial dispute between a union and an employer. Our employer is Natural England, so our action must reflect that dispute. That said, of course NE's hands have been tied somewhat by public sector pay guidelines, and it's perfectly OK to reference these when discussing why we are on strike.

### **6. Do Prospect pay strike pay?**

No – Prospect does not have a strike fund from which to pay members taking strike action. Some unions do but Prospect does not. To afford to maintain a strike fund, unions who offer strike pay usually charge higher membership fees or have access to other funding mechanisms. Prospect does have a Benevolent Fund, however, so if the loss of pay from supporting strike action is likely to result in significant financial hardship, you could consider making an application to the fund. Discuss this with your local rep or Prospect directly [here](#).

### **7. I'm not in a union. Can I still take industrial action?**

There isn't a straightforward answer to this. Technically yes, you can, however you would be subject to the same legal constraints, rules and regulations as union members taking strike action, but without the legal and professional support that a union offers its members. It's always, always safer taking industrial action as part of a trade union than going it alone. If you have colleagues who are not yet members but wish to take part in the industrial action, point them to signing up with Prospect here: [Join | Prospect](#)

### **8. How long will we be taking industrial action for?**

Our current mandate for industrial action lasts until 23<sup>rd</sup> August 2023.

We intend to take industrial action (starting with a day's strike on 15<sup>th</sup> March, followed by ongoing action short of strike) for the duration of that period, or until we see meaningful progress made, depending on intervention by government and progress on workforce and pay reform by Natural England.

Should there be little progress made, Prospect may decide to re-ballot members in the summer in order to continue industrial action.

See below for further information on action short of strike (Q21).

## **On the Day**

### **9. Do I have to tell my line manager I'm on strike?**

No, you don't. You can, however, choose to do so if you wish – despite being in an industrial dispute with Natural England, we do not have an acrimonious relationship with them and wouldn't wish to further damage that relationship without good reason, so if you would prefer to let your line manager know that you will be taking strike action on the 15<sup>th</sup>, Prospect is happy for you to do so.

### **10. Can I use my work phone/ laptop on strike day?**

No, you should not access any work equipment at all. Strike is withdrawal of labour, which means you do not turn up to work and this includes accessing your work phone/ laptop. You can however stay in touch with fellow members and Prospect colleagues by joining your local picket if there is one, and keeping up-to-date on Prospect's social media accounts for NE members:

- Twitter: [Prospect NE](#)
- Instagram: [prospect\\_ne](#)
- Facebook: [Prospect at Natural England | Facebook](#)
- Prospect website: [Standing up for Natural England | Prospect](#)

### **11. Do I have to have an out-of-office message on my e-mail/phone telling people I'm on strike?**

No, you don't. That said, if you wish to, you can. How you choose to phrase this is up to you, but as a recommended approach, you could use the text below.

*'Thank you for your e-mail. I will be taking industrial action on Wednesday 15th March in support of my trade union Prospect's industrial dispute with Natural England. The details of that dispute can be found on the Prospect Natural England Section website [here](#). I will be back in the office on Thursday 16th March.*

### **12. What is the law around picketing?**

A picket is a small group of union representatives stood outside their place of employment whose role is to try to persuade staff not to attend work in support of industrial action. Whilst there's no legal definition of what a picket is, there are guidelines about how pickets need to be organised and they're not short or concise. The main rules pertinent to members are summarised below.

- You should only picket your normal place of work. This is a bit of a grey area as it differentiates between 'formal' pickets and supporters, however if you have been identified by your picket supervisor (see below) as a 'formal' part of the picket, you should only picket where you work.
- For the purposes of this exercise, a 'formal' picketer is someone identifiable as a member of Prospect and who is picketing their place of employment (i.e. attempting to peacefully persuade staff not to attend work in support of industrial action). A supporter is anyone else – coffee-bringers, flag-wavers, dog-owners (plenty of dogs

on picket lines please!) and general cheerleaders. Supporters don't engage in picketing but it is a bit of a grey area.

- Each picket needs to have a picket supervisor who is readily identifiable and who is either present on the picket or available to attend within a reasonable time. To find out who is the picket supervisor local to you, contact your local rep (contact details available [here](#)).
- There is a limit to the number of people who can picket. This isn't specified in the guidelines as it depends on the size of the place being picketed, the number of entrances it has, health and safety of picketers and the public and whether the size of the picket is likely to constitute a breach of the peace. Prospect has taken the view that a maximum of 6 pickets would be an appropriate number for most of our locations. There isn't a limit on the number of supporters, but numbers need to be limited to avoid creating a public order or health and safety issue.
- Not everyone on a picket line is a picket – you are entitled to visit and support the picket during the strike, and we'd really encourage you to do so. As a supporter you are not part of the formal picket and so wouldn't be counted against the maximum of 6 picketers. Similarly, as a supporter, you can visit any picket line you like – it doesn't have to be one where you work. What you can't do, however, is to attempt to convince people not to attend work – that can only be done by formal pickets.

There are other rules around pickets and picket supervisors need to be aware of these however they are largely procedural. In short – if you are on a picket line either as a formal picket or as a supporter, follow the advice of your picket supervisor and you'll be fine. See the 2017 BEIS Code here: [Code of Practice: picketing - GOV.UK \(www.gov.uk\)](#)

### **13. Is every NE office going to have a picket?**

No. You can find a map of Prospect pickets on the strike map [here](#). If your office is not holding a picket, you could visit the picket at a different office as a supporter, but not as a formal member of the picket.

### **14. My office doesn't have a Prospect picket, but PCS is having one. Can I join that?**

You can attend the PCS picket as a supporter, but not as a formal member of the picket – you can't picket on behalf of a different union.

### **15. How long will the picket last?**

The point of a picket is to try to persuade colleagues not to attend work in support of the industrial action, so the main time for pickets to operate is when people are arriving for work and most pickets go from 8am (ish) to 10 or 11am. It will vary with each picket, so if you want to know the start and finish time for your picket, contact the picket supervisor.

### **16. What about rallies or marches afterwards?**

There will no doubt be local rallies or marches in some places, but we don't have a central list for these. It might be helpful to follow Prospect or PCS on social media to pick up on these nearer the time. Also try local Trades Councils or Regional TUC (often on Facebook).

### **17. I want to make a placard. How funny/rude/political can it be?**

Great! Go for it – the funnier the better! It is worth remembering that we are in dispute with Natural England so anything overtly political is likely to detract from that and deflect from the real message.

Similarly, once this is over we will need to sit down and negotiate with NE and anything that needlessly antagonises or denigrates them will make that process harder and more confrontational, neither of which is in our interest. But funny? Yes, absolutely!

#### **18. How else can I show support for the strike/ keep in touch with my fellow members?**

Please follow Prospect NE's accounts and share posts of the day of action:

- Twitter: [Prospect NE](#)
- Instagram: [prospect\\_ne](#)
- Facebook: [Prospect at Natural England | Facebook](#)
- Prospect website: [Standing up for Natural England | Prospect](#)

### **After the Event**

#### **19. How do I record my time for the strike day?**

You don't. It's for Natural England to do that. For the purposes of maintaining your flexi or toil sheet hours, you can record the strike day against your usual daily hours. You won't get paid for the day you were on strike, so ensure that you don't lose your toil or flexi entitlements too. You should leave Orion recording blank for the 15<sup>th</sup> March.

#### **20. I'm a Team Leader/Manager/Group Co-ordinator. Will I be asked to record who went on strike the day after?**

You might, though NE has contingencies in place to determine who is on strike on the day, as this information will need to be forwarded to Cabinet Office on the 15<sup>th</sup>. It's therefore unlikely that anyone will be asked to complete attendance information on behalf of others on the 16<sup>th</sup>.

#### **21. Can someone explain what happens on the 16<sup>th</sup> of March? What is 'Action short of a strike?'**

Ongoing action short of strike – this is action that members can take during their daily working life and outside strike days and it can take many different forms. In this dispute, Prospect is asking members to **only work your conditioned hours and to refuse to undertake voluntary overtime**. This will potentially run until 23<sup>rd</sup> August 2023 when the legal mandate ends (it may be Prospect decides to re-ballot in summer to renew the mandate for another six months, depending on progress made in the dispute).

By conditioned hours we mean your contracted hours per week that are used to calculate your salary, before any overtime or time of in lieu would normally be calculated (which is nominally 37 hours across most of NE with a few exceptions).

This means that those who wish to engage in the ongoing action would need to ensure they only work that number of fixed hours **PER WEEK**, meaning that collecting flexible hours from one week to use in another would not be possible. This practice is not explicit in our contracts; essentially, the action is working only to contract terms. All time you spend working should come out of those hours, and you should not be doing any tasks you don't account for within that time. This would include accounting for those extra email checks outside of regular working hours, dialling into that "quick video call on a day off, " or staying an extra couple of hours to finish the critical document by the new deadline. I know how prone I can be to not accounting for those hours during the week, and

I suspect that many of us keep things running by doing just that. These are the practices that this action is designed to show up. Staff that choose to take part in this action can do so for six months, which is the limitation of the rules around industrial action. We are not suggesting that people should be less productive during their working hours, but rather only work within their allotted working time for the week.

It is important that you only take the industrial action that is mandated by Prospect and your NE reps will keep you updated in the usual way, via briefings, meetings and on our webpage;

[Standing up for Natural England | Prospect](#)

## **22. What lines to take could I use when declining additional duties to avoid working over my weekly hours?**

Members could use the following eg when they are declining certain additional duties, or need to leave a meeting early to avoid working over their normal hours:

- *I am leaving this meeting early to avoid working over my normal hours this week, as I am taking part in industrial action with Prospect trade union against poor pay. The reasons for the action are explained on Prospect's website here: [Standing up for Natural England | Prospect](#).*
- *I have not completed this piece of work this week because I have now worked my contracted hours, in support of industrial action with Prospect trade union against poor pay. The reasons for the action are explained on Prospect's website here: [Standing up for Natural England | Prospect](#).*

## **23. I have been asked to do regular out of hours cover. Do I decline this?**

Staff required to do regular out of hours cover (mainly some NNR staff and Duty Officers) where this is a core part of the role and attracts an on-call allowance (members should check contract and role description) – **this cover is exempted from industrial action**. All staff undertaking this should ensure they are being provided with the on call allowance. When called out, members should ensure they still work within their contracted weekly hours, or if they are unable to recoup these within the week, to recoup in the following week. Members should refrain as strongly as possible from accumulating flexi from week to week.

For all other requests for voluntary overtime, ie which is not a core part of the role – **should be declined in line with the industrial action** unless relating to Health, Safety and Life emergencies.