

London Underground Stations

Strike Action

Answers to Frequently Asked Questions (FAQs)

Q:What am I expected to do during a strike?

TSSA will only take strike action once every other avenue of influence has been exhausted and when your officers and elected reps believe there is no other way to make members' views clear. It is a very serious sanction and that's why we ask that every member observes the strike.

Every member who does not observe the strike is directly undermining the union's bargaining power and making it harder for the union to protect all its members. When we call a strike we ask that members do not sign on for your shift within the time period of the strike or present for work. The best possible thing you can do is contact your local rep and volunteer to help out on the picket lines. It isn't illegal and it isn't dangerous.

Q:Do I have to tell my employer that I am taking strike action?

It is often the case that management will send out formal-sounding letters telling you to declare in advance whether you will be taking industrial action. This can have the effect of misleading and intimidating members.

To be clear, you are under NO OBLIGATION to inform management in advance as to whether you will be taking part in strike action or action short of a strike. In order to fulfil legal requirements, employers have been provided with statistical information about TSSA members taking industrial action, but not individual names. However, if your manager asks you after the strike whether you took action, you should answer truthfully.

Q:What are the exemptions to taking strike action?

All TSSA members employed in London Underground station grades (CSA, CSS, CSM, RCI) are expected to participate in the strike action.

Q:Can I use my travel benefits whilst I am on strike?

No, you must not travel using your Oyster card, PTAC or other travel benefits provided by London Underground whilst you are participating in strike action.

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Q: Do I have to reschedule the work that I have missed?

No, the union's advice is that you do not reschedule work, including meetings. The point of taking action is to cause disruption in order to persuade the employers to return to negotiations.

Q: I have external commitments on the day(s) of the strikes, should I cancel?

If your commitments are part of your normal work for London Underground you should not attend them. This includes training or outside meetings.

Q: How late can someone join the union and still take part in strike action?

People can join the union at any point up to and including on the picket line on the day of action and lawfully join the strike.

Q: Am I breaking my contract by taking strike action?

All effective industrial action may be a breach of your contract of employment. However, because TSSA is conducting a statutory ballot and any action will be called formally, the law protects workers from dismissal whilst taking part in lawful industrial action or at any time within 12 weeks of the start of the action and, depending on the circumstances, dismissal may also be unfair if it takes place later.

Q: How much money will I lose?

You should expect to have your salary deducted by an amount proportionate to the duration of the strike. For instance, for a one day strike you will mean a deduction of one day's pay. There may be disagreement about what a day's wages are. If there is no agreement, the maximum deduction allowable should be 1/260th of the annual salary. Any loss greater than this may be challenged by the union.

Q: What if I am part time?

TSSA believes that any deduction must be pro-rata for part time staff. The deduction must only be for your contracted hours. Please contact TSSA for support in challenging any greater loss.

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Q: Does strike action affect my continuous service?

Although a strike is technically a breach of contract of employment, it does not break continuous service if the worker returns to work after the strike ends. However, days of strike action will not count towards any relevant qualifying periods for such things as unfair dismissal, redundancy and pensions.

Q: How will the strike affect my pension?

With most pension schemes, absence on a day's strike will not count towards pensionable service. The pay lost will reduce the average pay used in any calculation on benefits. It may be possible to buy back the service lost, but in many instances the amount lost will be so small it is not worthwhile. It is only in the last year of service that pensions are significantly affected.

Q: What is the law on picketing?

Peaceful picketing is entirely legal. Picketing should be carried out at or near an entrance or exit from a site at which the members work. When others who are not in dispute come into work or use these entrances or exits, pickets must not interfere with them.

Q: I am not a TSSA member. Can I take part in the strike?

We would like everyone to respect the picket lines and not go into work, but if you are not a TSSA member (or a member of another union taking part in the industrial action) we will not be able to support you if London Underground decides to take disciplinary action against you. However, it is your general support that counts— if you can get permission from your line manager to take annual leave or work from home, this would be support.

Q: What are the guidelines on picketing?

The point of the picket is to peacefully persuade members not to cross our picket lines ie. to not go into work. Picketing is a legal activity and picketers should wear an armband indicating they are on duty. Placards and posters should be displayed stating 'OFFICIAL PICKET'.

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Q: Will participating in strike action affect my entitlement to statutory maternity pay (SMP)?

No, a woman on maternity leave while the strike takes place retains her right to maternity pay. You are entitled to SMP (subject to fulfilling the other statutory requirements) if you have been continuously employed for 26 weeks ending with the week immediately preceding the 14th week before the expected week of confinement (EWC).

Q: What if I am on sick leave?

Workers who are absent on sick leave when stoppage of work starts retain their right to statutory sick pay during the period of industrial action. If an employee reports as sick on the day the action starts, in the absence of a medical certificate, then the employer may make their own judgement as to whether the employee should be regarded on sick leave or on strike.

Q: What's the situation if I have annual leave?

Where strike action begins during a member's annual leave, the employer can be expected to treat them as on leave and not on strike.