



28 March 2013
su13034cp - 0.2.1/0.3.2

Strike registration and the dreaded strike registration tool!

Dear colleagues,

Let us not beat about the bush: **Industrial actions aim to disrupt!** It is also clear that the management would like to minimise the negative effects.

However, in seeking to "minimise" the risk of actions the management must respect rights of staff to participate. Unfortunately, a number of measures announced by VP4 do not respect such rights and we clarify these below.

One aspect of strikes is the additional work they cause for the administration. Before they can make strike deductions they need to determine accurately who is on strike and register this in the system. But why should staff help the administration accomplish this task? There is no requirement for a striking employee to enter our own strike-deductions online. Neither is there any requirement to register strike in advance. Anyone who registers in advance is making a concession, maybe because they have a good relationship with their manager, but they are not required to do so.

We advise colleagues who participate in strike to inform their line managers by any reasonable means, but not to feel obliged to register using the online tool.

An email is one way to do this, but it is not very visible. A **note on the door**, with the date(s) and time(s) of your flexi-strike days is visible for the colleagues as a motivator and sign of solidarity, and for the director when (s)he's counting. Counting participation becomes clearer for everyone, and not just for the management, who have an interest in understating the participation figures.

Another aspect which is completely illegal, is the determination of the period of strike based on physical attendance at work. Whilst it is reasonable of the office to expect staff to inform their managers of the periods of strike, it is excessive to require physical attendance at work as a means to delimit any strike periods. If staff are on leave or sick, or absent for any reason permitted under the service regulations, this cannot be construed to mean that they are on strike for these periods. This is not only a gross violation of staff rights, it is patently absurd.

The regulations proposed by VP4 are also inconsistent, for example, it is stated in the note "FAQ regarding the strike" that when striking for a whole day on a Thursday where you would normally not work on Friday, evidence must be provided of physical return to the workplace on Thursday in order to be paid salary for the weekend. This is simply nonsense. It is also wrong since the SUEPO Action plans do not include strikes on the weekends, therefore it is not correct to assume that staff are striking on these days.

The 1/30th rule for strike deductions has been confirmed by the ILOAT, but claiming that staff who are absent for periods adjacent to strike are also striking for those periods, is not part of such case law, and it can only be seen as a blatant attempt to intimidate staff and undermine the right to strike. If you do experience problems in this area please get inform your local committee as soon as possible.

Publication and "official" participation figures

The way strike participation is counted and reported appears to be quite inconsistent. The figures reported to staff are only the ones registered in the tool? It is not clear whether the administration includes strikes registered by other means in the figures. Also since only the total days are published, it does not reflect the number of staff who have taken part since some will have been on strike for half days. As a consequence, if you do not register the strike yourself you should verify, at least when you receive you payslip and inform SUEPO of any discrepancies.

Intimidation tactics and excessive salary deductions

Mr Topic's move to explain that '*All undertaken industrial actions have to comply with the Service Regulations*' is a poorly veiled attempt to intimidate staff, and discloses a poor understanding of law applicable to industrial actions.

Industrial actions by their very nature involve a breach of obligations in the contract of employment, for example, by not attending work. An employer is permitted to undertake appropriate measures, for example making proportionate salary deductions, but they are not permitted to undermine the essence of the right to participate in actions.

VP4 however, claims that staff participating in actions may suffer disproportionate deductions, and for non-strike actions, negative consequences for staff reporting or disciplinary measures. Such alleged "regulations", if they can be understood as such, are in contradiction with the spirit of Article 30 ServRegs, with fundamental labour laws as customarily practised in Europe, as well as with common sense.

Because of the delays in our appeal system (which Mr Battistelli is refusing to properly address) legal challenge of these intentionally mala fide interpretations will not result in short term solutions. We therefore will have to think of other ways of making them regret playing with our right to participate in industrial actions.

In any case, we recommend not to use of the strike registration tool which is not only dysfunctional but also raises legal problems. We also challenge the limitation of the right to strike reflected in VP4's questionable "regulations".

JOIN THE STRIKES AND BE COUNTED.

The Central Executive Committee of SUEPO