



Strike Action

Some FAQs



Q. Do I have to report my intended action to my employer?

A. The General Secretary has written to employers informing them of the number of employees who are SSTA members, and who will take action on 30th November. You have no requirement to inform your Head Teacher or your employer

Q. What action should I take on 30th November?

A. There will be a number of demonstrations members can attend. Once details are known these will be posted on the website. www.ssta.org.uk/dayofaction

Q. Can I picket my place of work?

A. Employees are permitted to peacefully picket their workplace but not another workplace. The key here is 'peaceful'. It is absolutely acceptable to try and convince colleagues not to cross the picket line.

Q. What other action can I take to protect teacher pensions?

A. Letters to MPs, MSPs and local newspapers explaining the importance of pensions and the sacrifices already made by teachers would be an important contribution to the debate and would encourage public support.

Q. I am on holiday (or do not work) on Wednesday 30th. How will this affect me?

A. It will have no effect on planned holidays unless the employer decides to reorganise the holiday for another date. Members in this situation will be paid as normal for the day. Your participation in the demonstrations and other action would be greatly appreciated.

Q. What effect does a strike day have on pensions?

A. There is a huge amount of mis-information circulating on this matter. Much has come from the employers. There is a separate advice note on this matter which can be found at the end of this document.

Q. What happens to a teacher on fixed-term contract who takes strike action?

A. Legislation prevents less favourable treatment of fixed term workers. They must be treated in the same way as permanent staff. Should a member be faced with an attempt to treat them differently they must contact the union immediately.

Q. What salary will be lost if a teacher strikes for 1 day?

A. The answer to this question is uncertain. The daily rate for teachers, according to the SNCT conditions of service is 1/235. Some authorities may calculate the deduction on the basis of 1/195 which would include paid holiday entitlement.

Q. Is Maternity Leave affected by taking strike action?

A. Most pregnant teachers will be able to join the strike with no impact on their maternity entitlements. Your continuity of employment isn't broken by taking strike action. The day of the action will not be included in your total length of service for the purpose of the qualifying period but this will not affect the vast majority of pregnant teachers.

Statutory Maternity Leave and Pay

If a teacher does not have 6 months' continuous service by the end of the 14th week before the beginning of her EWC, she will not be entitled to SMP. One day of strike action will reduce a teacher's continuous service for the purposes of qualifying for SMP by one day.

To qualify for SMP, a woman's average weekly earnings must be not less than the lower earnings limit of £102.00 over the 8 weeks ending with the 14th week before the beginning of her EWC. Only teachers working a small fraction of full time whose average pay would fall below £102.00 for the 8 week period would not qualify for SMP.

Q. The school has a parental meeting organised for 30 November. Does the authority have right to reorganise this on another date?

A. Any reorganisation has to be with the agreement of staff and participation should be on a voluntary basis.

Q. I do not intend to participate in the strike action. What do I do on Wednesday?

A. Any member not participating in the action must attend their workplace, or the alternative workplace designated by their employer. If you intend to work on the strike day you must cross any picket line or you will not be paid.

Please note: Statements made by employers relating to significant detriment for employees about to retire or go on Maternity Leave relate to staff on APT&C conditions of service but not to staff covered by SNCT conditions of service.

Additional information about strike action is available on the website. If you have any questions not answered either in this paper or on the website please do not hesitate to contact us at info@ssta.org.uk.

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Explanation of the effect of one strike day on pensions

One day strike will reduce your pension* by only £2.19 a year

*For a teacher at the top of the main grade scale

A further £6.57 will be lost from any lump sum.

Effect on pensionable salary for those who are within ten years of retirement = nil

The Teachers' Superannuation (Scotland) Regulations:

Regulation E34 (1) (b) states "In determining for the purposes of paragraph 1 (*the mechanism used to calculate final salary*), what are the best 365 days of the material part of the teacher's service, days in which the person is not in pensionable employment are disregarded".

The same concept applies whether the period is the "last 365 days" or the "best three years in the last ten".

With regard to the loss of superannuable service, this is the same for everyone i.e. one day.

At top of the main scale (currently £34200): One day of service = $1/195$ (may be less)

The STSS work on the basis of 365 days in a year and therefore the actual loss in pensionable service is $(365/195)$ 1.87 days

Annual pension attributed to one day = $£34200/195 \times 1/80 = £2.19$ per annum
Loss in lump sum = £6.57

The loss is greater for higher final salaries but is in exact proportion to this.

Any comments to the contrary made by employers are incorrect and should be ignored!

Members should note that employers are not the agency which operates the Scottish Teachers' Superannuation Scheme.