

# Fact Sheet

## Industrial Action



Any stoppage of work is both costly to the employer and to the employee and can result in on-going employment relations issues that could have been avoided. This Guidance Note is designed to assist managers in identifying the cause of the disruption, minimising the impact on the Project and reducing the risk of further disputes.

A sound employment relations environment is built on the principles of fairness, accepting and abiding by the rules that are in place, and perhaps most importantly good communication. Employers who have developed good communication channels with the workforce and its representatives have a good chance of preventing many disputes.

The ECIA have developed a set of Best Practice Guidance and a toolkit that can assist members in establishing Industrial Relations and Communication Strategies. Please see the Best Practice section of the ECIA website [www.ecia.co.uk](http://www.ecia.co.uk).

This procedure detailed below is intended as guidance for contractors and does not form part of the National Agreement for the Engineering Construction Industry (NAECI) nor confer any contractual rights.

### Summary

When employees cease work without good cause:

- Seek an explanation from the workplace representative. Instruct workplace representatives to return to work and then to put the matter into NAECI procedures.
- Address any safety concerns that pose an imminent risk of harm.
- Advise workplace representatives: that the action is un-procedural; that the workforce will not be paid; and that they will automatically forfeit IBA payments and will potentially lose other benefits.
- Advise the workforce of the same.
- Seek repudiation of the action from the Full Time Officer.
- Contact the ECIA.

### Procedure

1. As soon as the company becomes aware that there is a stoppage, during normal working hours, it is suggested that the site manager or senior company representative should approach workforce representatives to ask why work has stopped. In the event that there are no workplace representatives, then management should address the workforce directly. Management representatives should keep a record of the actions that they take from this point onwards.

2. The management representative should instruct the workforce representatives/ workforce to return to work. If there is a refusal to return to work then management should explicitly state what the consequences of this action will be. It is advisable to tell the workforce that the stoppage will be considered un-procedural action. After ensuring that no instruction to stop work has been given, the workforce representatives should be explicitly told that the action is un-procedural and that nobody will be paid, receive lodge or radius payments and that their action will lead to the automatic forfeiture of performance based elements of IBA for half of the monthly audit period.

3. If the workforce representatives suggest that there is a Health and Safety risk that means some employees could be exposed to an imminent risk of serious personal harm (see section 3 of NJC guide to Health, Safety and Welfare) then the workers exposed to it should be removed from it, the company should investigate the risk and, if necessary, take appropriate actions to eliminate that risk. In the meantime, those not exposed to such risks should be instruct-

ed to return to work immediately. Once the risk has been removed or it has been established that the concern raised does not constitute an imminent risk of serious harm to any individual, then all elements of the workforce still involved in the stoppage, because they were affected by the imminent and serious risk, should be instructed to return to work immediately.

4. The company must offer the workplace representatives the opportunity to raise any grievance/s they may have through the NAECI procedures but stress that this can only happen once the workforce has resumed normal working.

5. If the stoppage continues the company should address the workforce directly and instruct them to return to work. The workforce should also be told that they are taking part in unofficial industrial action, that they will not be paid and IBA bonuses will be forfeited. Workplace notices to confirm what has been said should be posted in the cabins.

6. If the workforce still refuses to work normally the company should make a request for the Local Full Time Officer (FTO) of the trades union concerned to formally repudiate the action. If the FTO is unavailable the company can request the repudiation from the trades unions' head offices.

7. The company should make contact with your ECIA Regional Manager (if not available please contact ECIA Head Office at Broadway House) to inform them of the situation and seek advice on what to do next.

8. The company should inform their client about what has happened and detail the action that has already been taken. The company is the employer of the labour, so the client should maintain communication with the contractor, rather than trying to get directly involved in any dispute. Clearly where the Client is the employer of some of the labour involved in the stoppage then they will have a more active role to play in respect of those employees.

