



The  
University  
Of  
Sheffield.

## Human Resources.

**Director of Human Resources**

Mr Andrew Dodman, BSc, MBA, FCIPD

Post to: Human Resources, The University of Sheffield,  
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In Person: Level 1 Reception, The Arts Tower

30 November 2015

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Dear Colleague

As you are no doubt aware, the BMA is calling its member junior doctors in the NHS to take industrial action on 1 December.

I am writing to you now because we have been informed of the BMA's intention to induce BMA members employed by us to take part in the industrial action in its dispute against the NHS.

We do realise that the substance of the BMA dispute with the NHS is something about which you may have strong views but you should be aware that the BMA has no dispute with this University.

The BMA did not notify us of its intention to ballot its members employed by the University of Sheffield nor did the BMA notify us of its intention to induce its members here to take part in its planned industrial action. We have only now learned, at this late stage, that our staff are being induced to take part in the industrial action where they are due to work on NHS duties on 1 December.

We still hope the action may be averted but we do need to write to you in the event that it is not.

The legal advice received by the University and that provided to the BMA clearly differs and, given the late stage in the process we find ourselves, we must write to those potentially affected outlining our position. We believe that the BMA's failure to notify the University of Sheffield, as your employer, of the ballot and its inducement to strike action is unlawful. We reserve the right to challenge the BMA on this point. If you have any concerns about taking part in what could be deemed to be unprotected industrial action, you should raise these with the BMA.

We are aware that the BMA has advised its clinical academic members that they should only take industrial action in respect of their NHS Trust honorary contract and not against their university employer. Indeed, the BMA's advice on its website states that "those with an additional contract that is with a non-NHS employer will not legally be able to take action against that other employer – so you will need to think about your particular situation on the day(s) of action, and contact the BMA if you need individual advice on this." The BMA advice indicates that its members should not take part in the industrial action if they are scheduled to work at their university on 1 December.



You will appreciate that we do not have full knowledge of which of our employees are members of the BMA and therefore have to write to all clinical academic staff below the level of consultant in anticipation of the planned industrial action. We realise that some staff will choose not to take part in the industrial action but in order that we can plan properly and safely, we are asking you to advise us in advance if you intend to be taking industrial action on 1 December.

It is my duty to inform those of you considering participating in this industrial action that the University does not accept partial performance of the contract of employment and, where industrial action constitutes a breach of your contract of employment the University reserves the right to deduct 100% of pay at a daily rate of 1/260th of annual salary. The University's longstanding statement on deduction of pay for industrial action can be found at [www.sheffield.ac.uk/hr/az/industrialactionanddispute](http://www.sheffield.ac.uk/hr/az/industrialactionanddispute). We therefore need to ask you to let us know by 2 December if you have participated in the strike action set to take place on 1 December.

**The attached pro forma must be completed to indicate whether you will be taking part, or did take part in the strike.** Please return the completed pro forma to your Head of Department as soon as possible and, if after the strike day, by 12 noon on 2 December at the latest.

Please note that although the pay to be withheld for 1 December if you do take strike action applies to the December payroll, it may not be possible to administer adjustment to pay by the payroll cut-off point and therefore the proportion of pay withheld may fall into a subsequent month or months.

The withholding of pay is without prejudice to any other right or remedy of the University, including any claim for damages for breach of contract.

I do realise that staff may not participate in this action and deeply regret having to write to all staff asking them to confirm their intentions. However, the actions of the BMA require us to ensure that we have fully communicated the University of Sheffield's position and I hope that you will understand why it is necessary. Although the vast majority of our staff will not be participating in this industrial action, we will be working very hard to minimise the impact on students which is of utmost importance to the University.

If you have any queries about this letter please contact Ian Wright, Associate Director of Human Resources on 0114 222 2460 or at [i.d.wright@sheffield.ac.uk](mailto:i.d.wright@sheffield.ac.uk).

Yours sincerely



Andrew Dodman  
**Director of Human Resources**