



3 October 2022

Dear Oldham College UCU member

UCU understand that members have been advised by the college that the forthcoming strike action on 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> October is unofficial and that staff are a risk of dismissal as a result.

I would like to take this opportunity to reassure UCU members at Oldham College that this is incorrect and the union is confident, and has evidence to support the position, that it has discharged all its legal obligations properly and, therefore, that the statutory protection for official action (explained below) will apply.

UCU wrote to the college on 26<sup>th</sup> September confirming our position and no further correspondence has been received from the college or their lawyers. In particular, UCU has made it clear to college management that one party to a trade dispute cannot close it down unilaterally as the college has attempted to do. Imposing a pay increase without agreement and then stating that the dispute is closed is not within the gift of an employer if that dispute is genuinely continuing. UCU have been clear in all correspondence and meetings that the attempt to impose a settlement on members has not been accepted and has not brought the dispute to an end.

There is an initial 12-week period of protection, from the beginning of official industrial, during which any dismissal will be automatically unfair. It is the case that 12 weeks have passed since the first day of action on 18 May 2022. However, this initial 12 week period of protection can be extended where an employer has not taken reasonable procedural steps to resolve the dispute. The UCU believes that the college has not taken reasonable procedural steps to resolve the dispute. Even in disputes where the initial period of protection has ended, this does not however mean that any dismissal is fair. An employee who is dismissed after the end of the initial period of protection can claim unfair dismissal unless all of those taking part in the action are dismissed. This means that, to avoid unfair dismissal claims, the College would have to dismiss all UCU members participating in the strike action. Any mention of dismissal by college

management is a clear attempt to minimise the numbers of UCU members taking action this week, and it is therefore important that all members stick together as the college would not be able to function were it to dismiss all UCU members, who make up the majority of the teaching staff, for participating in official strike action.

The legal position on all this can be found [here](#) on the government website.

UCU has not received any legal challenge to the lawfully notified strike action this week and we believe the approach of college management is a cowardly attempt to intimidate UCU members into not supporting the strike action. This is not in the interests of positive industrial relations nor is it a reasonable approach to resolving the dispute over pay.

Yours sincerely

A handwritten signature in black ink that reads "Jo Grady". The signature is written in a cursive, slightly informal style.

**Dr Jo Grady**

**General Secretary UCU**