

MAB Grievances and legal claims

UCU is supporting branches and members to challenging the pay deductions that are being made for MAB. Our advice is that this process is likely to be a breach of contract claim which would be made via the County/Sheriff Court, however the first step would be to go through the internal grievance process.

At our briefing we discussed a number of steps:

1. Ensuring you keep evidence of all of the work you are doing during this period, to demonstrate that you are working at least 100% of the time. Evidence could include: outlook calendar of the work you are doing; departmental timetable of teaching/meeting/classes etc that you are providing; notes from lectures/meetings etc; records of meetings / events; other evidence of administrative / research/ knowledge exchange work you are doing to make up 100% of your time.
2. On receipt of the pay slip outlining the pay deductions for MAB, contact your pay roll office if necessary to get clarity on how the pay deduction has been made. For example, how many days are deducted, what period does the deduction cover, what is the rate of deduction etc.
3. Check your pay slip to establish the basis on which you are being paid. Is the employer making this payment to you as "ex gratia", are you being taxed on the money that is being paid to you?
4. If the money being paid to you has not been subject to tax and or national insurance contributions, contact HMRC to inform them that you have received a payment from your employer made to you without any tax or NI deductions, ask them if this is correct, if your employer can do this, and if there are any steps you should now take.
5. Use your employer's grievance policy to draft a grievance to your employer which raises your opposition to the deduction of pay. The grievance should set out briefly the issues of concern to you. This might include:
 - a. X% of pay has been deducted when you have been doing at least 100% of your role, this is unfair and disproportionate.
 - b. Brief summary that you have been working for 100% of your time and that you can evidence this.
 - c. Challenge to calculation of deduction - particularly if employer has deducted pay over weekends, annual leave, where you may have trade union facility time, were on sick leave or other leave.
 - d. Raising other concerns if you have them: if there was no / inadequate Equality Impact Assessment on the university's

approach to pay deductions; is this an ex gratia payment / lack of clarity on expectations; how this meets living wage levels; is the employer motivated to make disproportionate deductions to undermine legitimate trade union activity – which is protected under the European Convention on Human Rights.

- e. Outline the resolution you are looking for which is payment for the work you have done during the periods they deducted and/or a more appropriate deduction which accurately reflects the proportion of work you have not done.

6. Go through the employer grievance process, including any appeal processes where appropriate and if the grievance is not upheld.
7. Keep all communication, correspondence and documents from the grievance and appeal processes, together with all your evidence of work done, communication from employer and pay slips outlining deductions.

Should the grievance / appeal not be upheld, the next stage would be to take the claim externally.